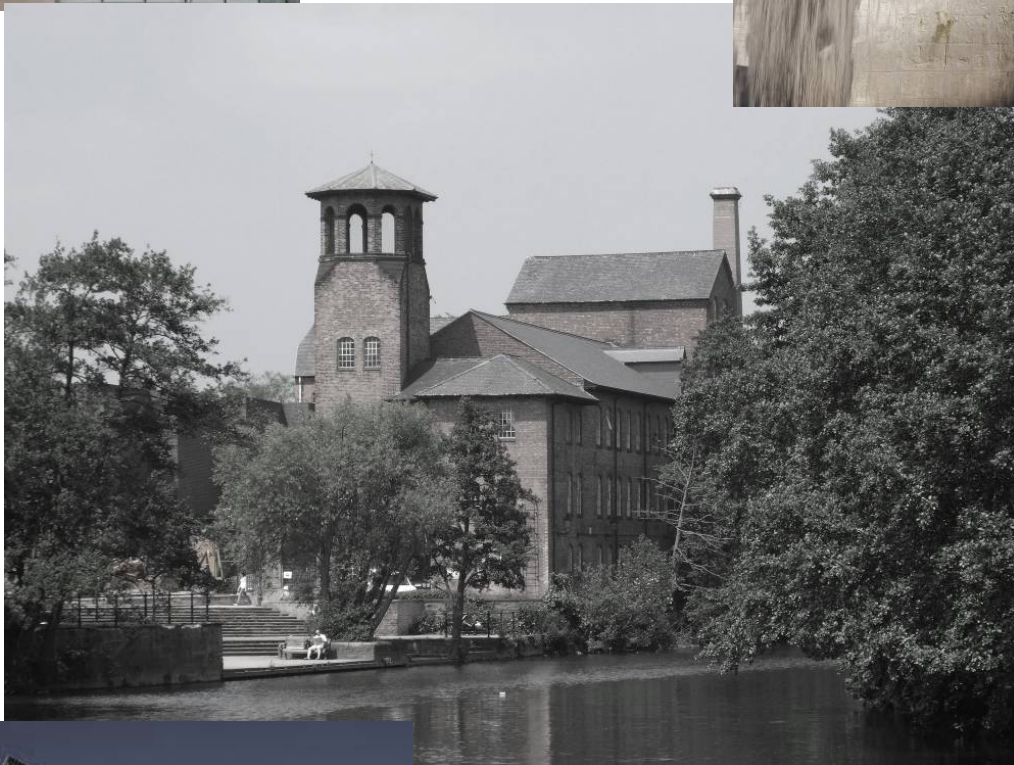


Item 13

Derby City Council
Planning Control Committee
21st October 2010



Development Control Report Of
The Director of Planning and Transportation

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1	1 - 16	04/10/00413	Site of Builder Center, Brook Street, Derby	Erection of student accommodation (389 units) and associated parking spaces	<p>A. To authorise the Director of 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.</p> <p>B. To authorise the Director of Planning and Transportation to grant permission upon conclusion of the above Section 106 Agreement.</p>
2	17 - 21	05/10/00563	Site of 574 Burton Road, Littleover, Derby (former Ken Ives site)	Variation of use of ground floor unit (Use Class D1) previously approved under Code No DER/1206/2025 for use as retail (Use Class A1)	To grant permission without conditions
3	22 - 27	08/10/00971	Land at between 19 and 21 Keswick Avenue, Sunnyhill, Derby	Erection of dwelling house	To grant planning permission with conditions
4	28 - 46	06/10/00752	Noel Baker Community School and Language College, Bracknell Drive, Alvaston, Derby	Erection of two schools and alterations to landscaping, access and demolition of school buildings	To grant planning permission with conditions
5	47 - 53	06/10/00744	2 Main Avenue, Allestree, Derby	Change of use from dwelling house (Use Class C3) to dental surgery (Use Class D1) including formation of car park, alterations to elevations and extension (2 offices and lobby)	To grant planning permission with conditions
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9	73 - 79	08/10/00989	3 Crich Avenue, Littleover, Derby	Extension to dwelling house (dining room, kitchen, shower, two bedrooms and en-suite) and erection of detached garage in rear garden - amendments to previously approved application DER/01/09/00041 and erection of detached store	To grant planning permission with conditions
10	80 - 87	06/10/00743	6 Village Street, Derby (Former Sherwood Forester Public House)	Change of use from public house (Use Class A4) to place of worship (Use Class D1)	<p>A. To authorise the Director of 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.</p> <p>B. To authorise the Director of Planning and Transportation to grant permission upon conclusion of the above Section 106 Agreement.</p>
11	88 - 97	09/08/01276	Site of 73 Field Rise, Littleover, Derby	Demolition of bungalow and erection of detached dwelling house	To grant planning permission with conditions
12	98 - 109	10/09/01267	Site of Asterdale Leisure Centre, Borrowash Road, Spondon, Derby	Change of use and extension of Leisure Centre (Use Class D2) to Offices (Use Class B1) and formation of access road and car parking	A. To authorise the Director of Planning and Transportation to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in

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					<p>11.5 below and to authorise the Director of Legal and Democratic Services to enter into such an agreement.</p> <p>B. To authorise the Director of Planning and Transportation to grant permission upon conclusion of the above Section 106 Agreement.</p>
13	110 - 121	10/09/01268	Site of Asterdale Leisure Centre, Borrowash Road, Spondon, Derby	Change of use of Leisure Centre (Use Class D2) to Offices (Use Class B1) and formation of access road and car parking	<p>A. To authorise the Director of 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.</p> <p>B. To authorise the Director of Planning and Transportation to grant permission upon conclusion of the above Section 106 Agreement.</p>

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1. **Address:** The site of the former builders' merchants, Brook Street, Derby.
2. **Proposal:**
Erection of student accommodation building (389 units) and associated car parking spaces.

3. **Description:**

This application relates to a vacant brownfield site located on the south side of Brook Street, which was previously occupied by a builder's merchant. The topography of the site is relatively flat. It is currently a large gap in recently redeveloped built environment, sited between the new build residential developments of 'Westpoint' and 'The Millhouse'. The other new build elements of Rykneld Mill complex face the site on Brook Street. Immediately abutting the southern boundary and running parallel to the site is Markeaton Brook. The site is located close to the Inner Ring Road, west of the city centre. The site is located within the designated Markeaton Brook Mixed Use Area, which has a mix of residential uses, with a concentration of apartments and student accommodation. Indeed the site is close to two University halls of residence: Sir Peter Hilton Court across Markeaton Brook and Princess Alice Court on Bridge Street. There are also commercial premises and a number of public houses in the locality. The brook, along the southern boundary of the site, is a designated wildlife corridor and has a pedestrian walkway along its northern bank.

The site lies in an historically sensitive location, in terms of the city's industrial past, although not in a Conservation Area. Opposite the site are the former Rykneld Tean Mills, parts of which are Grade II and II* listed and the Wesleyan Chapel, Grade II listed. Nearby 2-8 Brook Street, an early nineteenth century terrace is also Grade II listed. Banks Mill on Bridge Street, whilst not listed is an important former mill building in the locality.

Full planning permission is sought to redevelop the site for student accommodation comprising of 389 bedrooms. The internal accommodation would be arranged as self-contained units of 4 and 5 en-suite rooms, with shared kitchen and lounge facilities. There would also be managers accommodation, administrative space and laundrette. The built form would be roughly U-shaped with a frontage building facing Brook Street, abutting the footway and two parallel blocks projecting south, towards the brook. There would be a central landscaped space, open to the brook walkway and two smaller external spaces to the east and west sides of the site. The largest components would be the two parallel blocks of six storeys in height, extending through the site on north-south alignment. The Brook Street frontage would contain elements of differing scale, stepping up from 3 and 4 storeys to the 6 storey blocks, with 5 storey central section. This arrangement would break up the mass of the building and give the perception of separate street blocks. From the brook walkway frontage, there would be two 3 storey elements, flanking the end elevations of the two 6 storey blocks. The elevational treatment of the development is intended to be sympathetic to the historic industrial buildings in the locality, without replicating their appearance or materials. The roofline is to be very shallow pitch, using metal seam roofing with large overhang at eaves level. The facades would be red brick with vertical proportion windows and metal clad bays to principal elevations, with large glazed panels.

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In terms of access, there would be vehicle access through an archway from Brook Street to four disabled car parking spaces within the central courtyard. Pedestrians would access the site from both Brook Street and the brook walkway. An internal cycle store and bin store are to be integral to the frontage building.

In support of the application documents were submitted in the form of Design and Access Statement, Flood Risk Assessment, Transport Statement, Ecological appraisal, Air Quality Assessment and a land contamination report.

4. Relevant Planning History:

None relevant.

5. Implications of Proposal:

5.1. Economic:

Development of the site involves regenerating this unused brownfield parcel of land. The development would provide additional managed accommodation for students attending the university. It is responding to a need for better quality student housing and to potential increase in numbers of students following investment in the university's campuses.

5.2. Design and Community Safety:

The design and layout of the development is intended to be a robust and complementary scheme, which reflects the character and scale of the historic streetscape, including the listed Longs Mill, on Rykneld Tean complex. It would create a new street frontage of substantial urban form and density, which fits in with the general pattern of development in the surrounding area. The building would also face towards Markeaton Brook with views into the site from the brook walkway. An active frontage on Brook Street would be created with ground floor accommodation and main entrance, served directly off street level. A form of public art is proposed to be integrated into the built form or the external landscaped areas, although no details of this have yet been provided.

There would be a management regime for the accommodation to ensure provision of a secure living environment for the students. There would be gated access on both Brook Street and Markeaton Brook frontages, with secure entry for residents. On-site manager's accommodation would be provided, to enable 24 hour access for residents. A CCTV system for the site is also proposed, which would be managed by on-site staff. There has been concern expressed about the potential anti-social effects of further student accommodation in the locality. However, any behavioural or criminal issues arising from the proposal could be addressed by suitable management of the site and implementation of a management plan could be secured through an appropriate condition.

5.3. Highways – Development Control:

The application site is accessed via Brook Street which has on street parking restrictions, double yellow lines and Pay and Display bays, and is in close proximity to the City Centre. The site is also on a cycle route and has the benefit of a free university bus being provided for students, as well as being in close proximity to other local bus services. The site is also in proximity to

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works which are being carried out under the Connecting Derby scheme, however the development will not be affected.

The proposed development would be considered 'Car Free' by the university and each resident of the units will be required to enter an Occupational License to enforce this which is acceptable. In addition to this, it is proposed to supply cycle storage facilities within the site which appear to be safe, secure and covered, however they have not indicated how many cycles can be stored within the facility. The pedestrian/cycle access to the facilities appears adequate.

The proposed waste and recycling storage facilities are within the recommended man carry distance from the highway boundary and can be accessed directly from Brook Street which is acceptable. The proposed access appears to open out towards the highway, but not onto the highway, which is acceptable. I would recommend that the applicant liaises with our Waste Management colleagues regarding the allocated area in relation to the facilities required as part of this development.

The maintenance substation and water tank/booster are similarly accessed via Brook Street and again although the access doors appear to open outwards, they do not appear to obstruct the highway.

The proposed gates will be required to be set back 5 metres from the highway boundary to allow a vehicle to enter the site without obstructing the highway for existing highway users. The proposed pedestrian visibility at the access is satisfactory as this seems to be set back 2 metres from the highway boundary and has more than 2 metres in both directions.

The existing Traffic Regulation Order (TRO) on street will require amending with the proposed new access and reinstatement of the access at the applicant's expense.

Highways – Land Drainage:

Satisfactory subject to conditions requiring compliance with Environment Agency's requirements.

5.4. Disabled People's Access:

The proposal is satisfactory in the provision of disabled persons parking and accommodation.

5.5. Other Environmental:

Ecological: It is understood that there will be no direct disturbance or impact to the Markeaton Brook local wildlife site, including its banks, as a result of the proposed development, subject to suitable conditions.

Archaeological: There is a high potential for archaeology relating to the 19th century ironworks on the site, along with a lower potential for remains associated with 18th century works to the Markeaton Brook. This buried archaeology may be of high local or regional significance.

Flood Risk Management: The proposed development is not considered to be at significant risk of direct flooding from the Markeaton Brook or other local sources. The residual risk of flooding from failure of Mundy Play Centre

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Defences will be adequately mitigated through finished floor levels and appropriate preparedness measures.

Land Contamination: A desk top study has been submitted with the application, which highlights potential contamination on site and recommends further investigation.

6. Publicity:

Neighbour Notification Letter	119	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:

35 representations have been received in objection to the proposal and a petition against the development. The main issues raised are as follows:

- Concerns about the occupation of the site by students and the associated anti-social activity and behaviour
- Building would be too high and excessive in scale and massing
- Over intensive development of the site- too many units
- Noise and nuisance for local residents would be increased
- The proposal would result in increased traffic and parking problems in local area
- Insufficient infrastructure to cope with additional students
- Inadequate parking would be provided on site
- Pollution of the brook would result from increase in litter associated with the development
- Design of the building is inappropriate and out of keeping with the surrounding area
- The built form would be too close to Brook Street frontage and have oppressive effect on nearby residents
- Scale of development would result in loss of light to nearby properties
- Apartments for professional people would be more appropriate in this location.

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

8. Consultations:**8.1. Building Consultancy:**

No objections. The detailed reasoned justification and evidence across the university accommodation portfolio is helpful in understanding better the proposal in relation to disabled student accommodation. In light of this further detailed justification the proposal as submitted passes the test of

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reasonableness and is therefore satisfactory in the provision of disabled people's parking and accommodation.

8.2. CAAC:

Objections. Members objected to the proposal and recommended refusal on the grounds that the height and massing of the buildings would have a significant negative effect on the setting of the listed building and the quality of the design was not considered to be adequate for this location. The design appears to be neither a reflection of industrial mill building design nor a modern accommodation block of high quality bespoke design.

8.3. Environmental Services (Health – Pollution):

The submitted desk top highlights potential contamination on site and recommends further site investigation.

PPG 24 (Planning and Noise) does not suggest that anticipated noise from future residents should be regarded as a planning consideration. Any noise generated by future residents could be dealt with under the Statutory Nuisance provisions of the Environmental Protection Act 1990 and as such, does not require consideration under this planning application.

The conclusions of the air quality assessment are that impacts on local air quality are expected to be negligible. No reason to dispute these conclusions.

8.4. DCC Archaeologist:

The proposal area is a site on the Derbyshire Historic Environment Record (HER 32138), the site of the former Abell's Ironworks, established in the 1840s. The HER record, compiled in 2005, suggests that remnants of historic buildings associated with the ironworks survived on parts of the site at this time. There is also clearly potential for below-ground archaeology relating to furnaces, foundries and other ironworking processes to survive on the site. This archaeology is likely to be of local and/or regional importance, relating to the nineteenth century industrial development of Derby.

PPS5 requires that where a development may impact a cultural heritage asset, the applicant has provided an assessment of the significance and importance of the heritage asset, and of the likely impacts of the proposed development on this significance. The document submitted by the applicant presents a satisfactory assessment of the likely heritage assets on the site, and therefore meets the requirements of PPS5. Recommend a programme of archaeological works to mitigate the impacts of the development by providing a record of the archaeological deposits on the site. This should be secured by conditions.

8.5. ENV Agency:

No objections. The Environment Agency acknowledges that we have received notification from your Authority that the Sequential Test has been undertaken and passed. This confirms to us that you are of the opinion that there are no 'reasonably available' alternative sites in lower flood risk areas, which meets the needs of the development, where it could be directed. We raise no objections to the proposed development as submitted subject to the imposition of various conditions, relating to compliance with the revised Flood Risk

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Assessment, agreed finished floor levels, site investigation to deal with land contamination and surface water drainage scheme.

8.6. Derbyshire Wildlife Trust:

The Extended Phase 1 Habitat Survey included an appropriate desk study which identified the Markeaton Brook Local Wildlife Site DE003, with associated otter, water vole and white clawed crayfish records, flowing just to the south of the proposed development. It is understood that the development will not directly affect the brook or the banks, including the trees along the south bank. Based on our current assessment of this application Derbyshire Wildlife Trust does not feel it necessary to consult with other organisations that hold nature conservation information. We support the recommendation that the brook should be protected through adequate measures to prevent pollution and site run off during construction and no discharges into the brook during construction and long-term should be permitted.

It is understood that there will be no direct disturbance or impact to the Markeaton Brook local wildlife site, including its banks, as a result of the proposed development. We advise that any vegetation removal should be scheduled to avoid the bird breeding season which extends from March to late August. This should be attached as a condition to any permission. It is noted that opportunities are not considered for building-in beneficial biodiversity features within the development. We therefore advise that nesting opportunities for swifts should be provided within the new buildings. Swifts nest almost exclusively in buildings and are in serious decline due to a lack of suitable nest sites. Almost all new buildings are swift-proof and the renovation of old buildings to new standards has eliminated many swift colonies. We therefore recommend that swift nest boxes and swift bricks should be installed on buildings over two stories in height with a minimum height to eaves of 5m under eaves or on walls facing north, north-west or north-east. We advise that this requirement should be attached as a condition to any permission.

8.7. Police Liaison Officer:

Most of the design and layout issues have now been addressed particularly with the ground floor height to window security and site access controls. The open views and external spaces from Markeaton Brook frontage would minimise dominance of building and ensure clear views through the site.

It is most common for crime and anti social behaviour problems to arise from visitors and not always the residents of these accommodation blocks, especially with strict tenancy agreements which are essential. Noise and nuisance can be a major issue but not always within the confines of the developments but in the surrounding spaces and links. It is recommend that a physical security presence / concierge service is available at all times but especially in the late evening and early hours. CCTV is most successfully used when monitored and reacted to.

The experience of the applicant and management company makes them aware of the mitigation and preventative measures required to ensure the use does not have an adverse effect on other properties and residents in the area as required by PPS 1.

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8.8. Regeneration:

This is a significant site located adjacent to the Markeaton Brook and the new Connecting Derby road corridor on the edge of the Derby Cityscape Masterplan area. The layout of the site works well with the surroundings and the scheme blends in well with the historic as well as recent architectural developments in the area. The architecture style and scale responds well to the historic and natural setting of the site. The courtyards as amenity spaces have been rationalised and pedestrian access to the brook side have been made safer by providing natural surveillance.

8.9 English Heritage:

The proposed U-shaped building would cut off long distance views to and from the Grade II* listed Rykneld Mill. The development presents an opportunity to enhance the setting of the Rykneld Mill by revealing important views to and from Longs Mill. You should be satisfied that the applicant has considered the impact of the development upon the setting of the Grade II* listed building and that sufficient justification for the current form and design of the scheme has been presented.

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

GD2	Protection of the environment
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
H2	Sites within the Urban Area
H13	Residential Development
E4	Wildlife sites
E10	Renewable Energy
E17	Landscaping schemes
E19	Historic buildings of importance
E23	Design
E24	Community Safety
E27	Environmental Art
L2	Public Open Space Standards
L3	Public Open Space Requirements in New Development
L17	Landscaping
LE3	University District
R7	Markeaton Brook Mixed use area
T1	Transport Implications of New Development
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.

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10. Officer Opinion:

Policy Implications

The site of the proposal is allocated under Policy H2(e) as a brownfield site suitable for residential development. A minimum of 90 dwellings on 0.6 hectares would be sought, although this also includes the adjoining Millhouse development, which has 24 apartments. This policy indicates that the location and accessibility of the site, would enable relatively high densities to be achieved. Whilst the accommodation would comprise 389 bedrooms, they would be clustered into self-contained “flats”, which is roughly the equivalent of 90 dwellings. This number of units would therefore be in line with the requirements of Policy H2. The main policy issues with regards to residential policies are the ability of the scheme to create a satisfactory form of development with a good quality design and layout to respect the urban context and historic setting of the local area and a high quality living environment. The development would therefore need to meet the requirements of Policy GD4, E23 and GD5.

The site is also within the designated University District, identified under Policy LE3, which allows for development in the area associated with the university. The reasoned justification in para 11.9 refers to opportunities for university-led residential development in the southern part of the district, which is designated as the Markeaton Brook Mixed Use Area, under Policy R7. The policy allows for redevelopment schemes, subject to an appropriate scale and intensity of use, design of built form which respects character of local area and traffic implications, which would not have adverse effect on road safety and the local environment. A student housing scheme would fall within the provisions of Policy LE3 and is considered to be appropriate in principle in this location, subject to the specific design and highway implications being met.

There is existing student accommodation, including halls of residence, associated with the university, in the vicinity of the site, on Bridge Street, Agard Street and Lodge Lane. The established presence of a student population in this part of the city is recognised by Local Plan policies LE3 and R7. Both policies allow for development, including housing, which is associated with the university. Brook Street has had various recent residential developments, mainly of apartments, which have changed the character of this street from commercial/ industrial uses to housing in a relatively short time. This site is a former builder's yard and prior to this it was an iron works. It therefore has a long history of industrial use. There is not currently any student housing on Brook Street, although it is a thorough fare between the city centre and university related sites. The introduction of a large scale residential scheme for students would accord with the provisions of both policies LE3 and R7, as well as H2, which allocates the site specifically for housing. The fact that the intended occupants of the development would be students, rather than any other social group is not considered to be a determining factor in regard to the proposal. The use of the building would be for residential purposes, and any particular environmental or social impacts, which arise from a student population, can reasonably be dealt with under separate regulatory powers.

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Historic context and setting

The proposed development relates to currently vacant industrial site, which is in a historically sensitive location, due to the proximity of the former Rykneld Tean Mills on the north side of Brook Street. The 19th Century mills, including the Longs Mill, are Grade II* listed and are part of an apartment scheme, which comprises new development and conversion. Other historic buildings in the immediate area include the Wesleyan Chapel and a terrace of dwellings at 2-8 Brook Street, which are both Grade II listed. The site is not within a Conservation Area, although is part of the setting of historic buildings, on the Rykneld Tean complex. There are substantial sized mill buildings in the locality, including Rykneld Tean mills and Banks Mill and recent developments, such as Brook House and Westpoint, which are all 5 storeys or more in height. This area is also characterised by large residential blocks, of apartments and halls of residence, which front directly onto the footway, with private internal amenity space and residents parking.

The approach taken in regard to the development is to reflect the scale, form and layout of existing built form in the surrounding area, and its industrial character. A contemporary design has also been adopted, rather than replicating the appearance of historic mill buildings in the locality. The development would incorporate two 6 storey parallel blocks, fronting front onto Brook Street and the Markeaton Brook, joined by a 5 storey central section. The outer wings would be lower in height and scale, although the whole development would have a coherent form and elevational treatment, which ties the scheme together. The parallel blocks would mirror the layout of The Millhouse on the adjacent site. The building which abuts the Brook Street frontage reflects the siting of most of the development in the local area and creates a strong urban form in the streetscene. The variation in height and scale through the proposed development also defers to the changes in scale within the street context.

A development of this scale would impact on the setting of the nearby historic buildings on Brook Street and particular concern has been expressed about views from and to the Rykneld Tean Mills. Longs Mill is one of the tallest buildings in the immediate area and of significance in the local streetscape. The proposal would be lower in overall height than Longs Mill, although there was concern that the development would obstruct important views of that building, due to its size and massing. The agent undertook further work to assess the impact of the development on the setting of the listed building and submitted an addendum to the Design and Access Statement to show various views, including long range views which may be affected by the proposed building. Various vantage points have been identified close to the site and from elevated locations at Uttoxeter New Road and Rykneld Recreation Ground to the west of the city centre. They suggest that the development would not be visible from the long range view points and would only be seen from relative proximity to Brook Street. From any of these locations, views of Longs Mill would not be significantly obscured. English Heritage's comments refer to a view of Longs Mill from the Markeaton Brook walkway, which could be seen between the two parallel blocks, if the central section was removed. However this is solely an aspiration and not an established view. Prior to the removal of the builder's merchant buildings from the site, the mill buildings were not clearly visible from the walkway. Whilst this would be an opportunity to enhance views of the mill, the removal of a

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substantial part of the building to achieve the desired view is not considered to be justified or to significantly improve the setting of the listed building in this location. The agent has responded to this aspiration and argued that the resulting loss of accommodation to create the visual gap in the built form would significantly undermine the viability of the whole scheme. There would however be glimpsed views of the Rykneld Mill from the brook side, through the landscaped external space and the vehicular entrance archway. This would improve on the visual experience currently enjoyed from the brook walkway, due to the substantial solid wall sited along the boundary, blocking any views into or through the site.

Concerns have been expressed that the overall scale and height of the building would detract from the general appearance and character of the streetscene and from the setting of historic buildings in the immediate area. The visuals that have been produced indicate that the main U-shaped block would be taller than adjacent developments, at The Millhouse and Westpoint, although subordinate in height to the listed Rykneld Tean mill buildings and other important listed buildings in the city centre. A building of the scale and massing proposed for this site could be accommodated in this location, without detriment to setting of the nearby listed buildings. The proposed buildings would also be appropriate in relation to their urban context and historic character of the local area. On balance, I consider that considerable efforts have been made on the part of the applicant, to harmonise the building into its surroundings and respect the character and integrity of historic buildings in the local area. For this reason, I consider that the requirements of Policies E19, E23, GD4 and H13 have been satisfactorily addressed.

Residential amenities

The layout and design of the proposed accommodation would form a high quality living environment for the occupants and would not unreasonably affect the amenities and privacy of residents surrounding the site. The nearby apartment blocks on either side of Brook Street would be in close proximity to the development and there would be some massing impact, due to the scale and height of the built form. The frontage building facing Brook Street would have a degree of impact on light and privacy for the residents of the Brook House and Chapel End House on Rykneld Tean complex, since both developments front onto the footway. This relationship is not uncommon in such urban locations, where former industrial buildings have been converted to residential use. The application site previously had industrial buildings abutting the footway of two storeys in height. The normal distance requirements between habitable room windows, which apply in suburban type housing developments, would not feasibly be achieved here. In the context of an edge of city centre location, in a densely built up frontage, I am satisfied that the living conditions of existing residents in the vicinity of the site would not be unreasonably harmed by the proposal. The provisions of Policy GD5 would therefore be satisfactorily met.

Traffic and access implications

It is the intention of the applicant that the proposed student accommodation would be a “car free” development, with only 4 on-site parking spaces provided for disabled residents. This type of scheme is considered to be appropriate, on the basis that the housing provided would be solely for students attending the university and that the site is in a highly accessible location, close to the city centre. The site has access to

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various transport options, including cycle routes, a free university bus, as well as proximity to public bus provision. The issue of enforcement of a no car policy is a valid concern. However, there are parking restrictions in force on Brook Street and nearby streets, which discourage long term on-street parking. The applicant has also provided information relating to the management of the accommodation, which indicates that as part of the tenancy agreement for each occupant, they would not be allowed to bring a car to the city, whilst living at the site. The Highways Officer considers that this is enforceable and acceptable and I am satisfied that these factors would ensure that the development does not result in uncontrolled parking issues in the local area. The potential for parking problems and congestion, during the initial drop off and pick up of occupants at the beginning and end of term, has been raised as a concern, due to the lack of on-site parking and manoeuvring space. It is therefore likely that there would be some disturbance to local residents at these times, as drop off/ pick up activity would be on the street. Having said that, this event only occurs twice a year for a relatively short period and I do not feel that the harm to resident's amenities would be so significant. Overall, I am satisfied that the development would provide satisfactory access and servicing provision in line with Policies T1 and T4.

The proposal would provide a total of 4 rooms which could accommodate disabled people, with an on-site parking space. This is less than the 10% provision, which is required in normal residential schemes. The justification for the amount of disability compliant accommodation to be provided is based on experience of existing student accommodation, managed by the applicant and the fact that disabled students typically reside in university owned housing, closer to main facilities or even on campus. On this basis, the Access Officer has accepted that the proposed accommodation and access provision is appropriate and as such the requirements of Policy T10 are adequately met.

Community safety

Concerns have been expressed about the potential impact of a significant influx of students into the local area. There is already a large amount of university accommodation in the immediate area, which appears to be causing some nuisance to existing residents. The proposed development has generated fears of a substantial increase in noise, anti-social behaviour and criminal activity arising from the occupants. It is accepted that this type of accommodation does often bring some unwanted side effects for local communities, although these effects can be minimised as much as possible by effective management procedures and where necessary , other regulatory powers. I note that the advice from the Police Liaison officer at 8.7 above on this particular point. Members will note the presence of a resident student warden and on-site security staff, during the nighttime period and during office hours, an Accommodation Manager would also be on site, to deal with day to day running of the premises and any incidents.

In this instance, the applicant has experience of managing similar student accommodation in other cities and has provided details of its management strategy and tenancy obligations, which would be adopted in this development. As part of the management regime, local residents and businesses would be contacted prior to the academic year with information about the running of the site and the complaints procedure. There would be a 24 hours a day to presence on site deal with any

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incidences of noise or anti-social behaviour and a CCTV system in place to supplement the management staff. A management plan for the site would also be prepared in conjunction with the university. The applicants have provided a robust strategy for dealing with any adverse social effects which may arise from the proposal. The layout of the scheme would also ensure provision of a safe and secure environment for the occupants. I consider that the proposal would therefore satisfy the community safety requirements of Policy E24.

Environmental issues

The application site is within designated Flood Zone 3, associated with Markeaton Brook and hence is at a high risk of flooding in a 1 in 100 year event. Following receipt of a revised Flood Risk Assessment and amendments to the built footprint to minimise the potential effects of flooding on the site, the proposal is considered to contain sufficient mitigation measures to address the requirements of PPS 25 and Policy GD3. In order to off-set the adverse effects of flood risk, the development fronting Markeaton Brook would be a minimum of 6 metres from the bank of the watercourse and finished floor levels would be set no lower than the 1 in 100 year flood level. The installation of easily demountable railings along the brook frontage is also required to ensure that flood flows would not be impeded. These provisions are in line with the Environment Agency's and Council Land Drainage Officer's requirements.

The Markeaton Brook, which runs to the south of the site is a designated wildlife corridor, identified under Policy E4. The brook walkway is a buffer that separates the site from the brook. The potential impacts of the development on the ecological interest within the brook have been the subject of an appropriate assessment. This concludes that there would be no direct disturbance on the wildlife site as a result of the proposal. As such I am satisfied that there would not be any significant adverse effect on nature conservation features in the vicinity of the site.

11. Recommended decision and summary of reasons:

11.1 A. To authorise the Director of 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 of 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 City of Derby Local Plan Review and all other material considerations as indicated in 9 above. The residential development would fit in satisfactorily with the visual amenities of the streetscene, preserve the setting of the nearby listed buildings and not unreasonably affect the amenities of residential properties in the surrounding area.

11.3. Conditions:

1. Standard condition 03 (time limit)
2. Standard condition 100 (approved plans -)

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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 – condition 5)
7. Standard condition 104 – reduced energy consumption
8. Standard condition 34 – parking and turning areas within site to be free from obstruction at all times
9. Gates onto Brook Street and Markeaton Brook walkway frontages shall open inwards only and vehicular access gates set back min. of 5 metres from the highway boundary.
10. Visibility splays for the vehicle access onto Brook Street shown on drawing no. 0828/003 Rev C shall be implemented and kept free from obstruction exceeding 0.6 metres in height at all times.
11. Before development commences a detailed scheme indicating that the redundant accesses to be permanently closed and reinstated as footway shall be submitted to and approved in writing by the Local Planning Authority and upon completion of the development the agreed scheme shall be implemented in its entirety.
12. The access and footway fronting Brook Street shall be hard surfaced and constructed in accordance with details to be agreed in writing with the Local Planning Authority.
13. Development shall be carried out in accordance with Flood Risk Assessment NTW/222/FRA and addendum letter of 22 June 2010 and recommended mitigation measures, including finished floor levels, easement from bank of Markeaton Brook and demountable railings.
14. Standard condition 38 (surface and foul drainage)
15. A site investigation scheme for dealing with land contamination shall be submitted to and approved and implemented. Results of investigation and verification plan shall also be agreed.
16. Piling and foundation design using penetrative methods shall not be undertaken, unless approved in writing by the Local Planning Authority prior to commencement.
17. No development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

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5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

The investigation shall be implemented, in accordance with the details agreed above. All archaeological work should be undertaken by a suitably qualified and experienced archaeological contractor. The Development Control Archaeologist should be contacted in the first instance for a written brief from which the WSI may be developed.

18. The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation, approved under condition 17 and the results submitted to and agreed in writing by the Local Planning Authority.
19. Owners of the accommodation hereby approved and associated management company shall not make provision for occupants of the premises to park their own vehicle on or in the environs of the site, with the exception of those residents allocated an on-site disabled parking bay. This shall be enforced by and in accordance with the applicant's details dated 24 May 2010, submitted in support of the application.

11.4. Reasons:

1. Standard reason E56
2. Standard reason E04
3. Standard reason E09 – Policies GD4, E23 & H13
4. Standard reason E09 – Policies GD4, E23 & H13
5. Standard reason E10 – Policies GD4, E23 & E17
6. Standard reason E10 – Policies GD4, E23 & E17
7. Standard reason E51 – Policy E10
8. Standard reason E17 – Policies T4 & T10
9. Standard reason E17 – Policy T4
10. To ensure adequate visibility onto the highway in the interests of traffic safety – Policy T4
11. Standard reason E17 – Policy T1 & T4
12. Standard reason E17 – Policy T1 & T4
13. To minimise the adverse effects of flooding on the site in the interests of public safety – Policy GD3
14. Standard reason E21 – Policy GD3
15. Standard reason E54 – Policy GD2
16. To protect the water environment – Policy GD3

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17. To protect any archaeological interest on, over or under the site and ensure proper recording of any evidence found – Policy E21

18. To protect any archaeological interest on, over or under the site and ensure proper recording of any evidence found – Policy E21

In accordance with the terms of the application and to minimise potential uncontrolled parking in the local area and potential disturbance to local residents – Policy T4 & GD5

11.5. Informative Notes:

Conditions require the formation/reinstatement of an access to the highway, which is land subject to the provisions of the Highway Act 1980 (as amended) over which you have no control. Please contact Highways Maintenance on 01332 641848 for details of how this work can be undertaken.

11.6. S106 requirements where appropriate:

- Major open space and incidental open space contribution
- Public realm contribution
- Contribution towards sports facilities and public libraries
- Scheme of public art within site or vicinity of site
- Provision for car free development

11.7. Application timescale:

The period for determination of the application expired on 6 July 2010 and the scheme has been brought to committee due to the number of objections and the comments of the Conservation Area Advisory Committee.

Committee Report Item No: 2

Application No: DER/05/10/00563

Type: Full

1. **Address:** 574 Burton Road, Littleover, Derby (the former 'Ken Ives' site)

2. **Proposal:**

Variation of use of part of ground floor unit (use class D1) previously approved under code no. DER/12/06/02025

3. **Description:**

Planning permission is sought to change the use of a ground floor part of the development that was granted planning under code no. DER/12/06/02025. That planning application, which sought permission for the erection of 19 apartments, 5 dwelling houses, veterinary practice, doctor's surgery and associated car parking, was considered at the meeting of this committee in February 2007. Some work has been completed on the proposed vehicle access to serve the development in order to 'save' the planning permission. At the time of writing this report no other development had commenced on-site.

This application seeks permission to change the use of part of the ground floor of the frontage building that would sit on the junction of Burton Road and Middleton Avenue. The proposed floor space equates to an area of approximately 388 sqm and the floor plans in the extant permission include a number of consulting rooms and ancillary facilities for a veterinary practice. Planning permission is now sought to change the use of the floor space to a retail shop (use class A1). The remaining part of the ground floor space would be split into two parts to provide accommodation for a doctor's surgery and a veterinary practice. The floor plans in the extant permission include various consulting rooms, meeting rooms and ancillary facilities for a medical unit.

The application is accompanied by a planning statement which addresses the economic development context of the proposal in relation to the provisions of PPS4 and adopted CDLPR shopping policy.

4. **Relevant Planning History:**

DER/02/03/00178 – demolition of buildings and erection of three retail units – granted in July 2003

DER/08/06/01402 – erection of 8 dwelling houses, 16 apartments, doctor's surgery, veterinary surgery and associated car parking – withdrawn in November 2006

DER12/06/02025 – erection of 19 apartments, 5 dwelling houses, veterinary practice, doctor's surgery and associated car parking – granted conditionally in July 2007 and accompanied by a S106 agreement

5. **Implications of Proposal:**

5.1. **Economic:**

The agent has indicated that the proposed retail shop would generate approximately 15 full time jobs which would normally result in 25 part time posts.

5.2. **Design and Community Safety:**

There are no external design alterations proposed at this time.

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5.3. Highways – Development Control:

The on-site parking and manoeuvring components of the development are unchanged and discussions between my colleagues and the agent have taken place during the life of the application. My colleagues have concluded that further to extra information supplied by the applicant the total parking provision has been calculated for the proposed change of use to A1, the remaining D1 usage and 19 apartments. There is a slight short fall in parking. However, as this change of use will form part of the Local District Centre in Littleover where there are various parking opportunities it is considered that this application will not create significant highway implications.

Highways – Land Drainage:

Not applicable.

Highways – Structures:

Not applicable.

5.4. Disabled People's Access:

Access issues can be addressed by condition.

5.5. Other Environmental:

Not applicable.

6. Publicity:

Neighbour Notification Letter	65	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 generated 9 letters / e-mail objections. The main grounds of objection are as follows:

- the detrimental impact of the proposed retail shop on access, parking and manoeuvring grounds;
- the detrimental impact of the proposal on residential amenity grounds with regard to noise and disturbance as a result of vehicle and pedestrian movements to the site;
- the detrimental impact of the proposal on other existing retail shops within the Littleover District Centre.

These representations have been made available in the Members Rooms.

8. Consultations:

No external consultations have been undertaken in this case.

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

GD5	Amenity
S2	Retail Location Criteria
S3	District and Neighbourhood Centres
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:

The principal issues in this case surround the shopping policy implications of the proposal, the impact of the proposal in parking and access terms beyond the extant permission and the implications of the proposal in residential amenity terms. My opinions in relation to those considerations are as follows.

The site of the proposal is located within the Littleover District Centre. The site has planning permission for the erection of 19 apartments, 5 dwelling houses, veterinary surgery, doctors' surgery and associated parking. The proposal is to use one of the D1 units for A1 use with the other being split to provide accommodation for a doctors / veterinary practice.

As the proposal is within an identified District Centre it is subject to saved policy S3. The policy permits the development of shops (A1) and other complementary uses serving a local need, provided that:

- a) The proposal is compatible with the general scale, nature and function of the Centre.
- b) The proposal would not detract from the Centre's vitality or viability by means of:
 - Reducing the proportion of existing or committed ground floor frontage in A1 usage;
 - Separating important shop or service units; or
 - Introducing uses not open to the public.
- c) Wherever practicable, a shop front or display of visual interest in maintained.

The inclusion of new retail floor space of this scale in this location would entirely accord with the principles of this policy and would most probably boost the vitality and viability of the centre.

The potential for the new doctor's surgery and veterinary practice will be retained through this proposal which is a positive aspect in terms of the provision of community facilities in the area.

It is worth noting that in the committee report for the extant permission the former Assistant Director commented that, at that time, retail floor space would have been welcome as part of the development. This position remains unchanged.

In this case I have no reason to dissent from the views expressed by colleagues in the Highways Team. The proposal is located in the Littleover District Centre and

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there are parking opportunities available within the bounds of the application site. The site also affords easy access to more sustainable modes of travel. Therefore, I consider that given the nature of the extant permission and the characteristics of this site, a refusal of permission on highway / access grounds would be unsustainable at appeal. I note the concerns expressed by objectors about parking conditions around the application site but, on its individual merits, I consider that the proposal is entirely reasonable in this context.

The proposed retail floor space created would be less than 400 sqm and therefore it would provide a relatively small scale addition to the Littleover District Centre supply. In terms of the residential amenity implications of the proposal the agent has not indicated the proposed hours of operation of the shop. However, it is not normal practice to include an opening hour conditions for retail shops in a District Centre location but should members wish a condition could be attached to any permission. It is inevitable that the proposal would generate increased pedestrian and vehicular movement to the site but the content of the extant permission and the former use of the site as a car showroom in the recent past are highly material factors in this case which should be afforded considerable weight. In my opinion the proposal is unlikely to cause demonstrable harm to the amenities enjoyed by nearby residents by virtue of pedestrian and vehicular movements to the application site.

I have paid attention to the comments of the objectors but, in this case, I consider that the proposal is reasonable and aligns with the saved shopping policies of the adopted CDLPR and the objectives of the relatively new PPS4 with regard to sustainable economic development.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission.

11.2 Summary of reasons:

In the opinion of the Local Planning Authority the proposed retail floor space in this District Centre Location is consistent with local shopping policy objectives as supported by the provisions of Planning Policy Statement 4 and, in this site context, the proposal would not cause demonstrable harm to the amenities enjoyed by nearby residents, in terms of increased pedestrian and vehicular movements to the site, given the planning history and former commercial use of the application site.

11.3 Conditions:

1. Standard Condition 66 (disabled people's provision)

11.4 Reasons:

1. Standard Reason E34 (saved policy T10)

11.5 Application timescale:

The application time period expired on 13 July 2010 and its consideration has been delayed by the need to report the item to committee and general workload pressures at this time.

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Committee Report Item No: 3

Application No: DER/08/10/00971

Type: Reserved Matters

1. **Address:** Land Between 19 and 21 Keswick Avenue, Sunnyhill

2. **Proposal:**

Erection of dwelling house

3. **Description:**

This reserved matters application proposes the erection of a two storey dwelling house with off street parking for two vehicles on land to the front. Private amenity space is located to the rear of the proposal.

Amended plans have been submitted in relation to car parking provision and a reduction in the footprint of the proposed dwelling house. The amended plans will form the basis for this report and additional consultations have been sought in respect of this. Outline planning permission was granted on this site for one dwelling on 17th June 2010 under code no. DER/03/10/00393.

The application site is sited between two dwellings at no.19 and no.21 Keswick Avenue. Both properties are traditional 1930's semi-detached properties characterised by bay windows and main entrances on the side elevations. The site is bound to the south west by the public highway and to the north east by a recreation ground. No's 21 and 23 are set back from the highway and frame the turning head along with no's 20 and 22. There is no formal closure to the head of the cul-de-sac.

The application site has a triangular form and joins to the public highway at a south easterly point where the highway widens to form turning and access at the head of the avenue. Land levels on the site are relatively consistent. The application site is in the ownership of the adjacent property, no.21 Keswick Avenue.

4. **Relevant Planning History:**

DER/03/10/00393 Granted – Outline Planning Permission granted for One Dwelling

5. **Implications of Proposal:**

5.1. **Economic:**

None

5.2. **Design and Community Safety:**

The design of the proposed dwelling, as amended, is considered to be acceptable in this location and there are no community safety issues arising as a result of the proposal.

5.3. **Highways – Development Control:**

This is a reserved matters application and amended plans have been requested and submitted. Amended drawing, CADS1115-501, has been submitted and shows a joint 300% parking provision for the development and also a shared access fronting the existing and proposed dwellings ranging between 4m and 5 m which is acceptable from a highways point of view.

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

The dwelling house will have degree of accessibility through compliance with Building Regulation Guidance.

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None**6. Publicity:**

Neighbour Notification Letter	11	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 6 letters of objection from neighbouring properties on Keswick Avenue and a petition with 20 signatures. The letters of objection and petition have been made available in Members Room. Any further letters of representation received prior to the meeting will be made available for Members' consideration. The covering letter to the petition and letters of objection are summarised below:

- Impact on traffic and increased congestion,
- Inadequate turning facility on the avenue,
- The Avenue has become busier over recent years to levels not associated with a domestic setting,
- Massing effect on no.19,
- Loss of view from certain properties,
- Loss of light from no.19 and no.21,
- Limited car parking provision,
- Scale, size and depth of the dwelling is unacceptable,
- Loss of residential amenity,
- Detached three bedroomed properties is not in keeping with the Avenue,
- Disruption during construction,
- An extension at no.22 was refused and it is felt these reasons apply to this proposal,
- The land owner does not reside in the Avenue and therefore only has an economic interest,
- Morally wrong to grant planning permission for this proposal given the depth of feeling within the community,
- Disbelief over the granting of the outline application,
- Problems with previous tenants in the land owners property,
- Concerns over emergency vehicles accessing the Avenue due to congestion,
- Overdevelopment of the site resulting in a cramped appearance,
- Loss of value to their properties,
- Impact on health during construction due to dust, noise etc ..

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8. Consultations:

No other consultations were requested in light of the nature of the application.

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

GD4	Design and the Urban Environment
GD5	Amenity
H13	Residential Development – General Criteria
T4	Access, Car parking and Servicing
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.

10. Officer Opinion:

The application has been submitted in a detailed format following the Council's decision, on 17 June 2010 to approve outline planning permission for one dwelling house on land between 19 and 21 Keswick Avenue. Therefore the use of this site for residential purposes has been accepted, in principle.

Design and Street Scene

The front elevation has been amended to take into consideration the effects of the protruding living room and master bedroom on the adjacent property; the protruding feature has been reduced from 3.915 metres to 2.115 metres. In addition the reduction in scale of this feature has reduced its dominance and presence when considering the design of the dwelling and its impact on the street scene.

The design solution of the proposal has taken inspiration from the street scene which is evident through the use of the hipped roof configuration and similar roof pitch. The proposal incorporates angled bays on the front elevation a feature which characterises the street scene. The scale and external appearance of the dwelling is, in my opinion, comparable to dwellings on the street scene. Whilst I note the street scene is typically characterised by semi-detached properties I am of the opinion that the proposed detached property would not detract from the character or visual amenity of Keswick Avenue and would integrate with the street scene.

Access and Car Parking

Drawing no. CADS1115-501 shows the provision of three car parking spaces, one for no.21 and two for the proposed dwelling house which is acceptable and inline with the Council's Car Parking Standards. A shared access has also been provided following the comments of the Highways Officer. Subject to the implementation of the scheme in accordance with the submitted details, this will be controlled by conditions. I raise no objection to the scheme on access grounds or in terms of off street car parking provision. The application has not sustained any objections from the Highway officer.

Impact on Residential Amenity

The concerns of the neighbouring resident, no.19 have been noted and the applicant has reduced the protruding feature in order to minimise concerns of overshadowing

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and loss of light to their non-habitable kitchen. As such I am of the opinion that the applicant has made reasonable steps to accommodate the concerns of the neighbour. It is important to note that no.19 currently enjoys light over third party land over which they have no control.

In terms of massing the boundary the siting of the proposal and no.21 is similar and therefore the proposal is unlikely to result in the loss of light, massing or overshadowing of this property. No.19 is sited further forward of the proposal however there is a garage between the two, increasing the distance between the two properties. No.19 is sited to the north of the proposed and is therefore unlikely to experience a detrimental loss of light or overshadowing when considered orientation. The proposal is likely to experience shadowing from no.19. I raise no objection to the proposal in terms of impact on residential amenity.

Representations

A number of the points raised following the neighbour notification process, are not considered to be material planning considerations and therefore have not been considered within this report. Concerns over impacts on residents during construction; in terms of health and disruption, and internal layout are also not material planning considerations and have therefore not been considered.

Representations made in relation to the refusal of an extension at no.22 are not considered to be relevant when determining this application as this application seeks permission for the erection of a dwelling not an extension; therefore the relevant planning policies differ.

Overall, I raise no objection to the erection of the dwelling house and note, where possible, amendments have been made in order to reduce the dwelling's impact on the street scene, in terms of car parking provision and impacts on a neighbouring property. The application reasonably satisfies the relevant plan policies as set out in the City of Derby Local Plan Review and as such I recommend planning permission be granted for one dwelling house on land between 19 and 21 Keswick Avenue.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in Section 8 of this report and it is considered that the proposed dwelling house is acceptable in terms of design, impact on the street scene, impact on residential amenity and in terms of highway safety and parking provision.

11.3. Conditions:

1. Standard condition 100 (approved plans)
CADS1115 501
CADS1115 201 Revision A
2. Standard condition 2 (time limit)
3. Standard condition 27 (external materials)

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4. Standard condition 19 (means of enclosure)
5. Standard condition 30 (hardsurfacing)
6. Standard condition 38 (foul and surface water drainage)

11.4. Reasons:

1. Standard reason E04
2. Standard reason E56
3. Standard reason E14 (GD5 and H13)
4. Standard reason E08 (GD5 and H13)
5. Standard reason E21 (T4 and H13)
6. Standard reason E21 (GD4)

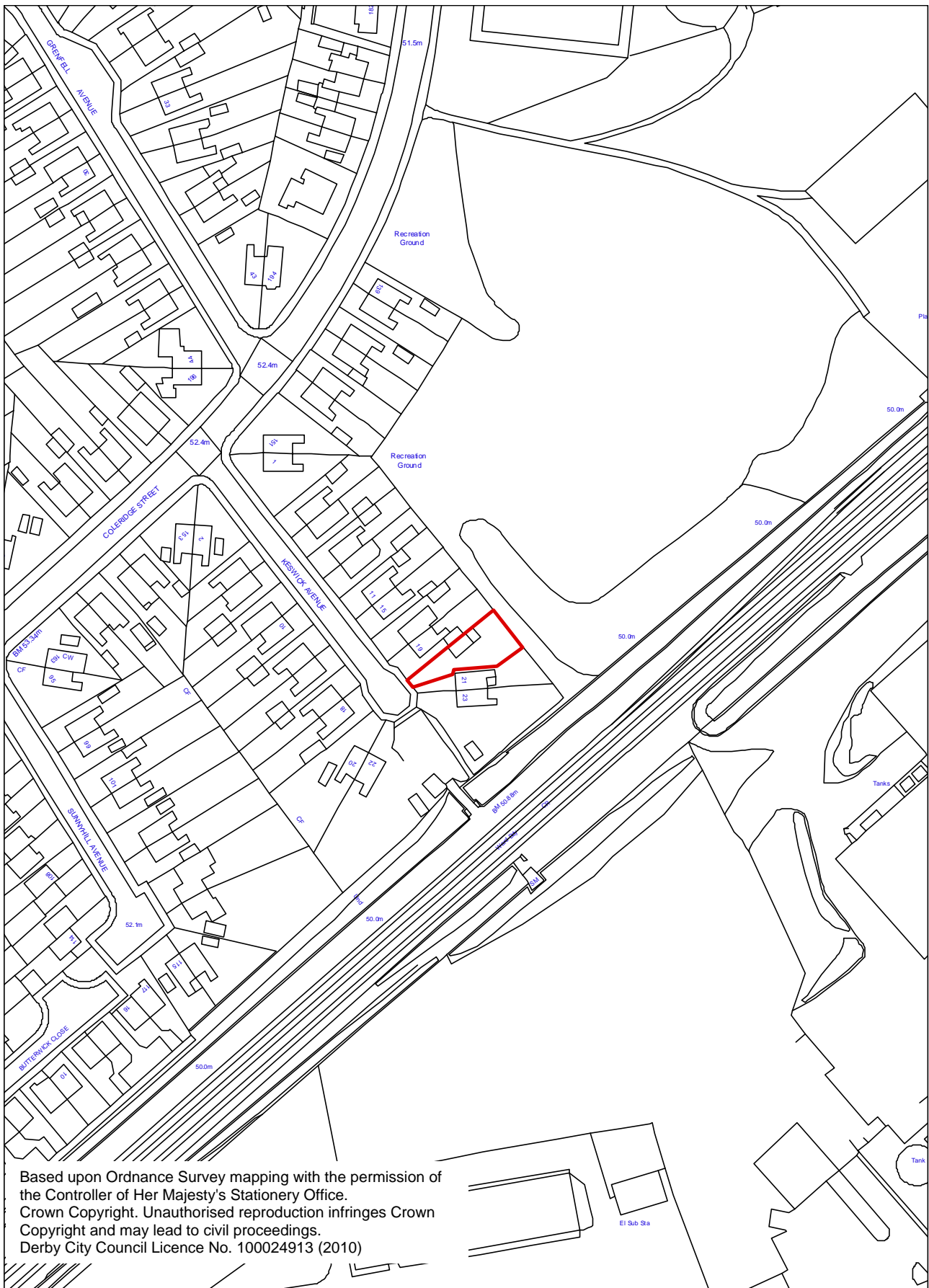
11.5. Application timescale:

The statutory 8 weeks time period for the application expired on 28 September 2010. The application is brought before the Committee because of the receipt of 8 objections from neighbouring properties.

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Application No: DER/08/10/00971

Type: Reserved Matters



Committee Report Item No: 4

Application No: DER/06/10/00752/DCC

Type: Full

1. **Address:** Noel-Baker Community School and Language College, Bracknell Drive, Alvaston, Derby

2. **Proposal:**

Erection of two schools and alterations to landscaping, access and demolition of existing school buildings

3. **Description:**

This application seeks to obtain full planning permission for the erection of a replacement school building for Noel-Baker Community School and Language College and a new school building for St. Martins Special School. The scheme has been developed and funded through the Government's Building School for the Future (BSF) programme.

The application site covers an area of approximately 16.7 hectares which is situated on the southern edge of the suburb of Alvaston. The site is presently occupied by Noel-Baker Community School and Language College, its associated playing fields and ancillary buildings. The existing school buildings are predominately two-storey, flat roofed structures which were erected during the 1960's. Many have been extended and added to resulting in a fairly diverse mixture of buildings styles and designs. The tallest buildings on the site reach four-storeys (approx. 13.5m in height). The current campus is split into two distinct groups. The upper school buildings occupy the north-west of the site and the lower school buildings occupy the north-east of the site. An electricity pylon is located between these two groups of buildings, and overhead cables centrally bisect the site from east to west. The remainder of the site is comprised of playing fields, parking provision and landscaping, with two hard surfaced areas, including a large Multi Use Games Area (MUGA). The main vehicle/pedestrian access into the school site is located along Bracknell Drive, to the north, and there is also a secondary pedestrian/cycle access situated to the east of the site, off Haywood Close.

The school site is situated within a predominately residential area, specifically to the north, east and west. It borders residential developments along Bracknell Drive, Haywood Close and Denstone Drive/Watermeadow Road, to the north and north east respectively and, to the west, there is a large agricultural field which abuts Jubilee Road. The site boundaries are enclosed by fairly dense hedges, which are interspersed by sporadic trees. Beyond the site's southern boundary is Boulton Moor SSSI (a statutory designated area of special interest by reason of its flora, fauna and geological and physiographic qualities) and Alvaston Stream (a locally important wildlife site). The application site and the surrounding open countryside are designated as green wedge by the City of Derby Local Plan Review and they provide an important transition between nearby residential developments and the open countryside to the south.

The proposed development would see the co-location of two schools on a single site. Noel-Baker Community School and Language College is a mixed comprehensive secondary school. It caters for 11-16 year olds and also has a sixth form for 16-18 year olds. St. Martins is a Special School for students aged between 11-16 years. It caters for children with a variety of complex needs, including learning, behavioural,

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Type: Full

emotional and physical. The development would see the relocation of St Martins School from its current site along Wisgreaves Road, which is located approximately 2km to the north of the application site. It is envisaged that the scheme would offer an opportunity for shared learning facilities and enable the effective efficient use of both school's resources.

The existing school buildings at the Noel-Baker site have a maximum net capacity of 1665 pupils overall. St. Martins School currently has 69 students at its Wisgreaves Road campus and it is estimated that this will increase to 80 when the school moves to the new site. Based on these estimated pupil numbers, the proposals for Noel-Baker and St Martins Special Schools would result in a slight decrease in pupil capacity from the current 1665, to a combined 1632. Staff numbers for the co-joined schools will remain the same at 148.8 and 31.4 respectively.

The proposal

The principle of this development was initially established following the grant of outline planning permission in 2008. This previously approved application considered the basic principle of locating two schools on the site and means of access. All other matters were reserved for a later date. The indicative details submitted during the outline stage suggested that the new schools would be located within one, two-storey building, which would be situated to the south-west of the site. At this stage, it was suggested that the existing sports hall and MUGA would both be retained, and that the sports hall would be substantially extended.

Following further consultation with each of the schools there have been some changes to the overall layout of the scheme since the outline proposal. Initially it became apparent that the provision of sports and vocational facilities had significantly progressed and that the accommodation required a far greater footprint. In view of this the most appropriate solution was considered to be an entirely new build sports and vocational centre. It was decided that this new centre should be located to the east of the retained MUGA, because of the constraints of the electricity pylons and power cables which cut across the site.

The main school building:

The submitted scheme still proposes one large building accommodating both schools, which would be situated to the southwest of the site. This building has a fairly irregular footprint and would be divided into different 'learning clusters' interconnected by shared communal areas. St. Martins Special School would be located at the western end of the building, within one of these learning clusters. This element of the building would be two-storeys in height (reaching a maximum of approx. 8.2m). It is proposed that Noel-Baker School would occupy the eastern area of the building, which is shown to be three-storeys in height (approx. 12m on average and 14m at its very highest point).

The new schools would be developed on a completely separate footprint to the existing school, allowing for Noel-Baker to function during the course of construction work and for pupils to be decanted into the new facility. Following completion of the proposed development, the existing school buildings would be demolished and returned to use as playing fields, areas for informal recreation, parking and circulation routes. The only facility to be retained from the original school would be the Multi Use

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Games Area, which is located in the centre of the site. The current school buildings on the site cover an area of approx. 10,322sqm. Under the proposals, the two new schools would have a combined external footprint of approx. 7,000sqm, representing an overall decrease of approx. 3,322sqm.

The Sports and Vocational Building:

Noel-Baker's provision of services to the community through sport is already extensive and the new sports and vocational facilities are designed to encourage community users to take up leaning opportunities too. The proposed sports and vocations centre would have its own entrance plaza and a separate car park, establishing it as a freestanding community facility.

The sports centre would be a two-storey structure, with a footprint of approx. 49m by 53m. It would be an almost square building and would be approx. 11m in height with a two-storey feature canopy over the entrance. The main multi-sports facility would occupy the ground floor of the building, with further sports spaces accessed from the main arcade. On the upper level there would be a café facility and a viewing gallery, together with the vocational spaces.

Qualitative Improvements to the External Sports Facilities are as follows:

- 4 New cricket practice nets including artificial wickets
- New artificial cricket wicket
- 2 No. trim trails
- Athletics facilities (new long/high jump facilities areas and hard-standings for throwing events)
- Sports pitch drainage if necessary (subject to further investigative work)
- New MUGA
- Outdoor Gym
- Cycle maintenance/storage facilities

It is also envisaged that the new school green, situated on the approach to the new school buildings, would be used for some informal sporting activities.

The main school building and the sports and vocation centre would face the site entrance onto Bracknell Drive, ensuring that both destinations are immediately obvious on the approach into the site. The buildings are spread out across the site like a 'necklace' in order to define the public approach to the main building, which has been developed further with a wide pleasant pedestrian route alongside the central 'green', which terminates in a landscaped forecourt. The new position of the sports and vocational centre enables the centre to be clearly seen from the site entrance as a separate destination to the main school.

The external palette of materials for both buildings have been chosen for the robustness as well of their rich colours, which it is envisaged, would contribute to the sense of warmth and welcome. Externally the materials would help identify which areas of the building are more public and which represent the more private side. The public faces of the building are expressed in warm red brick complemented with large expanses of glazing. The same brick would run around the ground floor of the teaching wings, providing a robust base to the building. The upper levels would be clad in white render, giving the building a more contemporary feel. The render also provides a neutral backdrop for the coloured detailing on the windows, which would

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be used to give identity to each of the Noel-Baker wings and the St. Martin's Houses through colour. A large amount of glazing would be used within the entrances to the two buildings, to ensure they are particularly prominent and striking and to create a sense of openness and invitation. The learning resource centre above the main entrance would be clad in a large expanse of white render with deep set generous glazing, which it is hoped would also act as beacon to those approaching the building.

Access:

The main access into the site for both schools would continue to be taken from Bracknell Drive. The existing brick piers would be replaced to create a more contemporary entrance, and pedestrian routes widened to improve disabled access. The proposed works at the site entrance include the creation of a new pedestrian priority area, which would utilise changes to the road surface to create a pedestrian friendly area. Access for pedestrians and cyclists would also continue via the Haywood Close entrance, where it is proposed that the gate would be access controlled by smartcard.

The main school building and the sport and vocational centre would have separate parking areas, so they can be used independently. Care has been taken to ensure that the routes to the car park areas are clear and obvious, without obscuring views to the main building destinations. There is to be a dedicated accessible parking close to the main entrances of both buildings. The car parking provided for both buildings would primarily be for staff and visitors. There would be no pupil drop off point for Noel-Baker, however, a clear taxi drop off and pick up zone would be provided in front of St Martin's entrance, as many of its pupils arrive by taxi. Coach pick-up/drop-off for day to day is not required, but can be accommodated on the site for school trips. There are 173 car parking spaces with an additional 8 disabled parking spaces and 4 minibus parking spaces. These are split between the main school building (118 spaces) and the sports and vocational centre (55 spaces). 240 cycle parking spaces will be provided within secure parking stores. A dedicated cycle route is proposed within the school site from Bracknell Drive to the Sports and Vocational Centre access road. It is proposed that a Travel Plan will be developed to encourage staff to travel to school by more sustainable modes of transport.

Vehicles delivering to the main building would utilise the St. Martin's drop off loop, which has a dedicated lay by for delivery vehicles and a covered area for the drop-off of goods. This means that the delivery vehicles need not reverse within the school grounds. Similarly the deliveries to the sports and vocational centre can be made using the car park loop. Fire services would be able to reach all relevant parts of the building perimeter.

Sustainability

A main factor in the development of the environmental energy strategy has been to ensure that conservation and resource management is prioritised and maximised, prior to the sourcing of energy from renewable sources. The key aspects of the school's design in achieving a low energy solution include: the optimisation of natural lighting and the use of natural ventilation wherever possible, the use of a biomass boiler to provide almost all of the heating needs from a renewable source of woodchip and solar panels to provide heating to the domestic hot water system. The

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biomass boiler would be located within a new energy centre, situated to the northwest of the main school building. This energy centre would have a footprint of approx. 15m by 15.5m and would measure approx. 8.9m at its highest point. The exterior of the building would be finished with a metal insulated panel system. The new schools' design has been assessed against the BREEAM for Education 2008 pre-assessment and the development has currently scored an 'excellent' rating. The project team are still actively aspiring to achieve 'Outstanding' rating.

Landscaping

The proposed development would not involve the loss of any significant vegetation. All areas of land covered by existing buildings, which are to be demolished, will be returned to use as sports pitches, areas of green space, or car parking. A comprehensive landscaping scheme has been submitted as part of the planning application.

4. Relevant Planning History:

DER/06/08/00974 – Outline planning permission for the erection of two schools and associated facilities including alterations to vehicular access and demolition of existing school – granted conditionally – 11/09/08

DER/03/10/00378 - Formation of access road for temporary period– granted conditionally – 26/07/10

DER/07/03/01405 – Construction of multi use games areas, erection of perimeter fencing and flood lights – granted conditionally – 24/09/03

5. Implications of Proposal:

5.1. Economic:

217 staff would work at the proposed schools; all will be transferred from existing premises. It is anticipated that the BSF programme will deliver local economic benefits in terms of employment, training, business growth and investment.

5.2. Design and Community Safety:

The existing buildings on the school site are not considered to be of any significant architectural merit and no objections are raised to the demolition works proposed.

The new buildings are both unique and contemporary, and their design has evolved as a result of the school desire to create a greater presence from the site entrance, with clear destinations and clearly defined public/private spaces. Internally the buildings will provide an attractive learning environment with flexible and adaptable internal spaces. Such aims are supported and there are no overriding objections raised to the design solution being pursued in this application for the school.

5.3. Highways – Development Control:

To be reported.

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Highways – Land Drainage:

No overriding objections are raised to the application subject to a condition being imposed, which requires that the runoff from the development shall not be outlet at a rate exceeding the present or pre-developed rate. Calculations demonstrating that end are to be submitted to the LPA for approval.

5.4. Disabled People's Access:

Disabled people's parking appears satisfactory. The building design concept is to deliver an inclusive barrier free environment which it is consider has been achieved. The building will however be subject to compliance with Building Regulation accessibility guidance.

5.5. Other Environmental:

The site is located within an area of green wedge and lies to the north of the Boulton Moor geological Site of Special Scientific Interest (SSSI) Alvaston Stream, which runs along the School's southern boundary, is a locally designated Wildlife Site. Derbyshire Wildlife Trust and Natural England have commented on the proposals and do not consider that the scheme would have an adverse impact on the nature conservation interest of the wildlife site, or the important geological features within the SSSI.

A Tree Assessment Report has been provided in support of the application. It identifies 13 individual trees and 7 groups of trees as part of the survey and centres on the area of the site where the redevelopment works are proposed to take place. The survey does not extend to include all of the trees on the site. The survey indicates that the redevelopment proposals would require the loss of 9 individual trees and 3 groups of trees. Of those that are being highlighted as needing to be removed, the majority were assessed as arboriculturally low quality and value in the Tree Assessment Report, with two individual trees being classed as of moderate quality and value.

As some of the existing buildings on site were determined to have potential for roosting bats, a further nocturnal survey was conducted on these features. The survey found no evidence of bat occupation in association with the buildings. However due to the transitional nature of bat roosts, it is recommended that in the event that works are delayed until May 2011, the nocturnal survey should be repeated to ensure bats have not colonised the buildings in the interim. Bat boxes are proposed within the development, together with other biodiversity gains through landscaping and other habitat enhancement measures.

6. Publicity:

Neighbour Notification Letter	80	Site Notice	
Statutory Press Advert and Site Notice	Yes	Discretionary Press Advert and Site Notice	
Other	A public consultation event was held by the School on the 13 th of July 2010.		

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As part of Derby City Council's Statement of Community Involvement an initial public consultation process was carried out at outline planning stage to explain and seek comments on the proposed development of the college. This comprised a public exhibition at the College and a local letter drop. The overwhelming response was positive with full support for consolidating the school on one site. The key concern was about traffic due to the relocation of St. Martins and potential disturbance from construction traffic. A separate permission has been granted for a construction traffic access linking onto Jubilee Road, to the west of the site.

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

7. Representations:

No third party responses were received during the statutory consultation period for this particular application, however, copies of completed consultation forms collected by the school during the public consultation event, are available to be viewed on the eplanning section of the City Council's website.

8. Consultations:

8.1. Natural Environment:

To be reported.

8.2. Natural Environment (Tree Officer):

No overriding objections are raised to the proposals. It is anticipated that there will be implications for the root protection areas of some of the retained trees which will therefore require the submission of site-specific method statements detailing the installation of the new surfacing where these excursions into the root protection area are shown. It is therefore recommended that conditions should be attached to any planning permission granted to require the submission of a scaled tree protection plan and the submission of an arboricultural method statement which should detail the no dig surfacing solutions described in the tree survey.

8.3. Environmental Services (Trees):

To be reported.

8.4. Environmental Services (Landscape):

To be reported.

8.5. Environmental Services (Parks):

To be reported.

8.6. Environmental Services (Sport & Leisure):

To be reported.

8.7. Sport England

Given the importance attached to the protection of playing fields by Government and the subsequent statutory role of Sport England in the planning system, clarification of the issues of potential quantitative loss and access and use arrangements are required before substantive comment can be made on the application.

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Sport England has requested clarification of the proposed programme of use for the internal sports provision, community use arrangements for the whole site and further detail on the proposed measures to protect the playing field from damage during the construction period.

(Members will be updated at the committee meeting on the matters raised above).

8.8. Environmental Services (Health – Pollution):

Have reviewed an acoustic statement that was submitted in support of the application. The comments made in the statement are generally accepted. It is noted that the applicant envisages no change to the use of the sports pitches, during school hours and for community use after school, and that Sport England have commented upon the size location and capacity.

8.9. DCC Archaeologist:

There are no designated heritage assets or Historic Environment Record sites within the proposal area. Nevertheless, the site comprises a substantial area of previously undeveloped ground with potential for undiscovered below-ground archaeology. It is suggested that there is a low-medium potential for archaeological activity within the proposal area and for this reason it is recommended that the archaeological potential should be dealt with through a conditioned scheme of archaeological work.

8.10. ENV Agency:

No objections are raised in principle to the proposed development, however, the Agency has commented that the proposal will only be acceptable if a condition is imposed which requires a surface water drainage scheme for the site, based on sustainable drainage principles, to be submitted and agreed by the LPA. This information should include an assessment of the hydrological and hydrogeological context of the development and shall also include details of how the scheme shall be maintained and managed after completion.

8.11. Derbyshire Wildlife Trust:

The Trust reiterates its advice regarding nesting birds: that any vegetation clearance work should take place during the period September-February inclusive. On the basis of the submitted documents, it is advised that the application would be unlikely to have any negative impact on the adjacent wildlife site (subject to the existing security fencing being retained). The Trust commends the deliverance of biodiversity gain, via landscaping and the provision of bat boxes etc, however, the retention of 'Pond 1' is recommended, along with specific management of the grassland buffer along the boundary with Alvaston Stream. Further assistance with the planting palette is offered.

8.12. Natural England:

Natural England do not envisage any major adverse impact on the Boulton Moor SSSI, subject to compliance with the precautionary measures identified by Atkins in their Ecological Assessment. The proposals for ecological enhancements across the site are welcomed, but it is recommended that the applicant includes nesting provision for House Sparrow. Following the receipt of an additional bat survey, Natural England has withdrawn their initial objection regarding bats. No objections are raised to the proposal in respect of

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species especially protected by law, subject to a condition being attached that requires that site clearance works that involves the destruction or removal of vegetation shall not be undertaken during the bird nesting season except when approved by the Local Planning Authority.

8.13. Police Liaison Officer:

It is advised that a full secure boundary is essential. Subdivision zoning of the exterior spaces and segregation of functions is welcomed. Concerns are raised regarding the proposal to encourage youngsters to gather within the site entrance, socially, out of hours. The use of CCTV could mitigate these concerns and to protect vulnerable spaces. It is requested that the scheme lighting requirements are met as part of BS 5489-2003 for all external roads, car parks and paths. Physical security of the building shell is important and if Secure by Design accreditation is to be achieved the materials and specification of doors and windows must be fully adhered to.

8.14. CABE:

The CABE Schools design panel have reviewed the planning application and have rated the overall design quality of the development with a 'pass' against 9 points of assessment criteria and a 'very good' in terms of organisation. A scheme with an overall 'pass' rating is one where the fundamental design principles are considered sound. It indicates that the school is set to provide a decent environment for learning and teaching and relates appropriately to its locality. The scheme could be further improved and it is encouraged that any weaknesses identified in the report are resolved. Proposals achieving a pass indicate that a sound investment of public funds is being made and therefore meet the BSF minimum design standard. A scheme rated 'very good' overall is one that demonstrates not only that a sound design solution has been achieved, but also that an uplifting and inspirational educational environment is being created. The design of the school makes it an asset to its locality. Schemes achieving a 'very good' exceed the BSF minimum design standard.

The Panel felt that the development's design responded well to the local authority's education vision for co-location through the creation of well balanced learning clusters. They considered that the principle of a series of clusters connected by communal areas is sound and establishes well proportioned outdoor spaces. The location of St. Martin's School at the western end of the building and within one learning cluster enables both independence and inclusivity and that the separation of the sports hall and main school building works, although this will necessitate long travel times. Overall, the Panel believed that the model provides an inherent adaptability with the possibility of future expansion. The landscape design demonstrates a rich variety of learning opportunities across the site and the integration of boundaries provides a range of spaces for all users through more intimate areas for socialising and learning, especially along the southern edge. The CABE assessment Panel felt the approach sequence was logical and that it welcomes the community, and provides good visual connections to the building's entrance, while the design of St. Martin's drop off should ensure efficiency and safety on arrival and departure. It was considered that the

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expression of the southern elevations relates well to the rural setting, and the material palette contributes to a refined, calm appearance.

The Panel noted that, internally, the proposal incorporates a range of learning spaces that relate well to each other, providing well ordered communal spaces and fine south facing classrooms. It was considered that incorporating the winter gardens at the heart of the clusters should work well to provide localised hubs and that passive surveillance is promoted by the additional glazing to the staircase entrances. Given the shallow plan, thermal mass and biomass boiler, the environmental strategy appears to deliver a low energy school design.

However, whilst the Panel considered that the design was successful in many respects, they felt that the following points could be further enhanced:

- The design of the shared surface at the entrance to the site does not yet ensure a safe arrival or a defined frontage, while the 'school green' lacks detail to encourage its informal use. The provision of social areas in the open school grounds could improve passive supervision across the site.
- The elevations will require careful detailing to ensure that their elegant appearance is not diluted during design development. The elevations could better address the building's orientation in order to prevent excessive solar gain.
- The interiors demonstrate the potential to provide pleasant and comfortable communal areas with good visibility and natural light, but this relies on refined and robust detailing.
- Further attention to the classroom design is needed to ensure comfortable and inspiring learning environments.

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

GD1	Social Inclusion
GD2	Protection of the Environment
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
GD8	Infrastructure
E2	Green Wedges
E4	Nature Conservation
E5	Biodiversity
E9	Trees
E10	Renewable Energy
E13	Contaminated Land
E17	Landscaping Schemes
E21	Archaeology
E23	Design
E24	Community Safety
L6	Sports Pitches and Playing Fields

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LE1	Education Uses
T1	Transport Implications of New Development
T4	Access, Parking and Servicing
T6	Provision for Pedestrians
T7	Provision for Cyclists
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:

Policy Considerations

Planning permission has already been granted in Outline for two new schools in this site and whilst the principle of redeveloping the existing school and the relocation of St. Martin's into this general location have already been established, as the layout details of this Full application differ from the broad layout approved in the Outline, these details need to be carefully considered, in particular, the precise siting of the buildings and the provision of a separate sports and vocational building.

The impact on the green wedge is probably the most significant policy issue for consideration here. The primary function of green wedges is to define and enhance the urban structure of the city as a whole. Their two essential characteristics are that they have an open and undeveloped character and that they penetrate the urban area from the open countryside.

Although green wedges should have an open and undeveloped character, Local Plan policy E2 does allow for development to take place within them in some circumstances. This includes proposals for essential buildings and activities which are ancillary to existing educational establishments. The policy also allows for permission to be granted for the redevelopment of existing buildings for uses within specified categories which includes educational establishments. In considering the proposal, care need to be taken to minimise impact on the openness of the green wedge unless there are compelling material circumstances which suggest otherwise.

As this proposal is predominately for the replacement of the existing school and the relocation of another school onto the site, it can be reasonably described as being 'essential and ancillary' and as such would be in line with the intentions of the policy E2. The policy also allows for the redevelopment of existing buildings, but it should be acknowledged that the proposed new buildings are not on the footprint of the existing school and do extend further out into the wedge.

The requirements of policy LE1 relating to the provision of new educational facilities should be given consideration. An important material consideration in determining this application is the significant benefits which the new school would bring to the community and this should be given due weight. It is also important to take full account of the need for the existing school to remain operational while the new buildings are constructed and this restricts the ability to demolish them and rebuild the school on the same footprint.

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Initially, the fact that there is already significant built development in the wedge in the form of the existing school buildings, needs be taken into account. With the new buildings in place, it is considered that the functional green wedge would still exist, separating the neighbourhoods of Alvaston and Shelton Lock/Chellaston. The question here is more about maintaining its open and undeveloped character as much as possible.

I fully acknowledged that the proposal would have some impact upon the open character of the green wedge, as there would be an overall decrease in the external floor area of the school building of some 3,322sqm and an increase in the maximum height of the buildings (14m at its very highest point). However, the majority of the new buildings would remain under three-storeys in height and it is considered that the general footprint of the new schools would have a more consolidated, compact appearance compared to the existing buildings on site, which are more dispersed. Whilst the new built development would be pushed out further into the green wedge, there would be some compensatory measures in terms of returning the site of the existing school's footprint back to open space.

Policy E2 also suggests that the materials and landscape treatment should maintain, and not endanger, the open and undeveloped nature of the wedge and, with this in mind, the landscaping treatments around both buildings become less intense and more rural with distance from the building. It is proposed that, closer to the southern boundary, the structure of the landscape would be defined by large expanse of grassland with structural tree belts, small clumps of trees and native hedging. The CABE review panel commended that *'the expression of the southern elevations relates well to the rural setting, and the material palette contributes to a refined, calm appearance'*.

Given that the school needs to continue to operate through the construction period, a reasonable attempt had been made to utilise the current footprint in the layout of the new school. The siting of the new school buildings are also restricted by the presence of the power cables which cut across the site and, inevitably, there is a requirement to development in another part of the wedge. Taking these issues into account, it is considered that the proposal has been designed in a way which attempts to minimise adverse impacts upon the wedge, and which seeks to preserve the open and undeveloped character as much as possible. On balance, whilst it is acknowledged that there may be some impact upon the open character of the green wedge, it is considered that this impact would not be significant. Moreover, any modest impact upon the green wedge, in terms of its openness, would be significantly outweighed by the educational, social and community benefits the new school development would create.

Design

One of the main strategic aims of the development was to create a greater presence for the schools, from the site entrance, to allow the site to be more clearly defined between potential public and private areas. The final scheme was chosen because the buildings allowed the teaching accommodation to be situated within clearly identified learning clusters, to create clearly defined public/school territories, including a secure territory for St. Martins. The wedge shaped learning clusters provide space for learning plazas and the simple plan is easy to navigate, but is still compact. The

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scheme allowed for the separation of the sports and vocational building from the main teaching building, which allows for independent community use without interrupting the school day. The design of the new accommodation has been heavily influenced by the overarching aim to establish a fully inclusive learning environment, which enables to further improve the already strong relationship between the two schools.

I have given careful consideration to the design issues raised by the schools design panel at CABE and raise no overriding objections to the proposals on general design grounds. It is clear that during the BSF process detailed consideration has been given to how the internal and external spaces will function and relate to each other, and how the siting and the use of differing materials and finish will be used to separate and define the different destinations on the site. In light of no overriding concerns, relative to the fundamental principle of the design, being raised by CABE and the project passing each of the design panels assessment criteria, I am satisfied that the proposed development would offer a successful scheme for the new schools.

Sports provision:

Open sports and recreational activities area acceptable uses in the green wedge and their impact is less than that of buildings. Policy L6 requires that if any pitches are to be lost through development proposals the alternative provision of another site of the same or better facilities in terms of community benefit be implemented before the commencement of development. It will also be important to ensure that there would still be adequate operational sports facilities during construction of a new school should the proposal be allowed.

The new Sports and Vocational building will provide an increase in internal recreational areas above and beyond that available to Noel-Baker students in their existing facilities, together with dedicated spaces for St Martin's students, who currently have no internal sports provision at their present site. The current Noel-Baker buildings have been extended and adapted over time in response to the changing demands of the school and community users. The result is a dispersed distribution of spaces accessed by circulation that is difficult to navigate and supervise, with changing rooms remote from hall areas, meagre provision for disabled users and inadequate facilities for spectators. The proposed sports and vocational centre is a freestanding facility designed to provide the facilities set out in the briefs of each school and deliver their shared common vision. Each individual sports space will be designed in accordance with the latest Sport England guidance and recommendations, with changing rooms that are conveniently located and appropriately designed to meet the access and privacy needs of each set of users.

At the time of writing this report, further clarification on the potential quantitative loss of playing fields, together with details of the access arrangements for the sports facilities had been requested by Sport England. Additional information has been provided to Sport England and their updated comments will be provided at the committee meeting.

Ecology

A locally important wildlife site runs along the southern boundary of the site (Alvaston Stream) and there is SSSI (Boulton Moor) situated adjacent, as such, regard has to

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be given to the requirements of policies E4 and E7 of the Local Plan Review which relate to the protection of these important sites for nature conservation. Derbyshire Wildlife Trust has advised that the proposal is unlikely to have any negative impact on the adjacent wildlife site, subject to the use of protective fencing. Moreover, Natural England does not envisage any major adverse impact on the Boulton Moor SSSI, subject to precautionary measures. In accordance with the advice of Natural England and Derbyshire Wildlife Trust, I consider it would be appropriate for conditions to be imposed on any planning permission which may be granted to require the wildlife site and SSSI to be suitably protected during construction works.

Both Natural England and Derbyshire Wildlife Trust commend the emphasis the proposed scheme places on the deliverance of biodiversity gain, via landscaping and the provision of bat boxes etc. However, DWT recommend that if permission is granted, there should be opportunities to maximise this gain by more detailed consideration of the planting mixes for different areas. Further details of the landscaping, including the provision of additional species can be controlled through condition.

Given the advice that has been provided by Derbyshire Wildlife Trust and Natural England, I am satisfied that adequate survey work has been undertaken and sufficient consideration given to the impact the development could have on protected species. It would be reasonable to impose a condition that requires the demolition works to be undertaken on site in accordance with the good practice statement outlined in the bat survey and with such a condition in place.

I note Derbyshire Wildlife's Trust comments regarding the retention of 'Pond 1' which is located close to the western boundary. It has been confirmed that this pond will be removed during the demolition phase. However, a compensatory pond will be constructed within the ecology/habitat area proposed along the southern boundary. Overall, I am satisfied that the requirements of saved policies E5 and E7 and Planning Policy Statement 9 have been given due consideration.

The loss of trees on the site is regrettable but it is recognised that some tree loss is unavoidable in order to secure the redevelopment and improvement works for the school, moreover the majority of the trees have been assessed as poor quality. In accordance with the advice provided by our Tree Preservation Order Officer suitable conditions could be imposed to ensure that any retained trees are suitably protected whilst construction works are taking place. I have noted the advice provided by Derbyshire Wildlife Trust and Natural England relative to the removal of vegetation taking place outside of the bird nesting season, but rather than imposing a condition consider it would be more appropriate to add an informative note to applicant, given that breeding birds are protected by other legislation that is not enforced by the Local Planning Authority.

Sustainability

The proposals include a number of significant sustainable features as part of the integral design of the building including use of natural daylight and ventilation within the building and the provision of a biomass boiler. I consider that the sustainability measures proposed are to be welcomed and meet with the requirements of saved CDLPR policy E10.

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Flood Risk

The site is located within Flood Risk Zone 1 which comprises land assessed as having a less than 1 in 1000 annual probability of flooding in any year. The application is accompanied by a Level 2 Scoping Flood Risk Assessment. The Environment Agency has raised no objections to the proposal, subject to conditions in respect of the approval of full drainage details being provided and agreed prior to the development commencing. It would be reasonable to secure these by condition of planning permission and a sustainable approach to the drainage system can be secured as part of those details.

Residential Amenity

Given the distance between the proposed buildings and nearby residential properties (33m at a minimum), it is considered that the development would not result in any undue loss of amenity through overlooking, loss of light or overbearing.

Highways

The information provided in the Transport Assessment and the access, safety and highway implications of the proposals were still under consideration at the time that this report was being drafted. It is anticipated that those matters will be resolved prior to the application being presented to the Planning Control Committee and the Committee will be updated at the meeting on the highway implications of the proposals.

Conclusion

To conclude, in principle, no objections are raised to the redevelopment of this school site. Based on the information provided in the application and the consultations that have been undertaken at the time of drafting this report, I am satisfied that this development can be undertaken without detriment being caused to the character and openness of the green wedge and to residential amenity. Subject to the resolution of the outstanding issues that have been highlighted in the report, I am satisfied that the proposals reasonably meet with the aims of the appropriate saved policies in the local plan.

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. The design, scale and mass of the development are considered acceptable in terms of their impact on the green wedge. The implications of the redevelopment for residential amenity, biodiversity, flood risk, highway safety and sports provision at the school site accord with the aims of the saved policies outlined in the adopted City of Derby Local Plan Review.

11.3. Conditions:

1. Standard condition 03 (Time limit)
2. Standard condition 100 (Approved plans)

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3. Standard condition 27 (External materials)
4. Standard condition 20 (Approval of Landscaping Scheme)
5. Standard condition 21 (Landscaping within 12 months)
6. A scaled tree protection plan shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The tree protection shall be designed in accordance with BS:5837: 2005 ("Trees in relation to construction") and in accordance with the following requirements:
 - a) A scheme of protection shall be submitted to and agreed in writing before any development commences.
 - b) 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.
 - c) The agreed protection measures shall be retained in position at all times, with no use or interference with the land contained within the protection zone, until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.
7. Before development is commenced an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority which provides full details of the no-dig surfacing solutions outlined in section 4 of the Tree Assessment Report produced by FPCR dated June 2010 (Revision A). The development shall be carried out in accordance with the approved details.
8. Standard condition 38 (Drainage)
9. The information submitted pursuant to condition 8 shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced on site and shall include calculations which demonstrate that the run off from the development shall be outlet at a rate not exceeding the present or pre-development rate with the one in 30 year rainfall event retained below normal ground level and the one in 100 year plus climate change rainfall event maintained on site; the surface water drainage scheme for the site, shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
10. Standard condition 19 (Means of enclosure)
11. All vegetation clearance, tree felling and demolition works on site shall be undertaken in accordance with the recommendations of the Ecological

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Assessment (prepared by Nicholas Hare Architects and dated June 2010).

12. During the period of construction works the wildlife site shall be protected in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.
13. a) No development shall take place until a written scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority, and until the field work element of the scheme has been completed to the satisfaction of the Local Planning Authority. The scheme shall include an assessment of the significance and research questions; and
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the work set out within the written Scheme of InvestigationThe development shall only be carried out in accordance with the archaeological Written Scheme of Investigation approved under part (a).
 - b) The development shall not be occupied until the archaeological site investigation and post investigation assessment has been completed, in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive depositions has been secured.
14. A scheme of wildlife protection, mitigation and enhancement shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented in full in accordance with an agreed timetable.

11.4. Reasons:

1. Standard reason E56 (reason for planning permission time limit)
2. Standard reason E04 (for the avoidance of doubt)
3. Standard reason E1 (ensure satisfactory external appearance).....policies GD4 and E23
4. Standard reason E10 (safeguard visual amenities)...policy E17

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5. Standard reason E10 (safeguard visual amenities)...policy E17
6. Standard reason E24 (trees and vegetation protection)...policy E9
7. Standard reason E24 (trees and vegetation protection)...policy E9
8. Standard reason E21 (satisfactory drainage)...policy GD3
9. Standard reason E21 (satisfactory drainage)...policy GD3
10. Standard reason E1 (ensure satisfactory external appearance).....policies GD4 and E23
11. To ensure that the existence of any bat roosts at the site is fully investigated and that there is minimal disturbance and protection of this protected species in accordance with the principles of Planning Policy Statement 9 – Nature Conservation and saved policy E9 of the adopted City of Derby Local Plan Review.
12. To protect the wildlife site during the course of construction works in order to protect its nature conservation value.....policy E4
13. To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate investigation (policy E21)
14. Standard reason E21 (satisfactory drainage).....policy GD3
15. To protect and enhance the ecological value of the site....policies E4 and E7

11.5. Informative Notes:

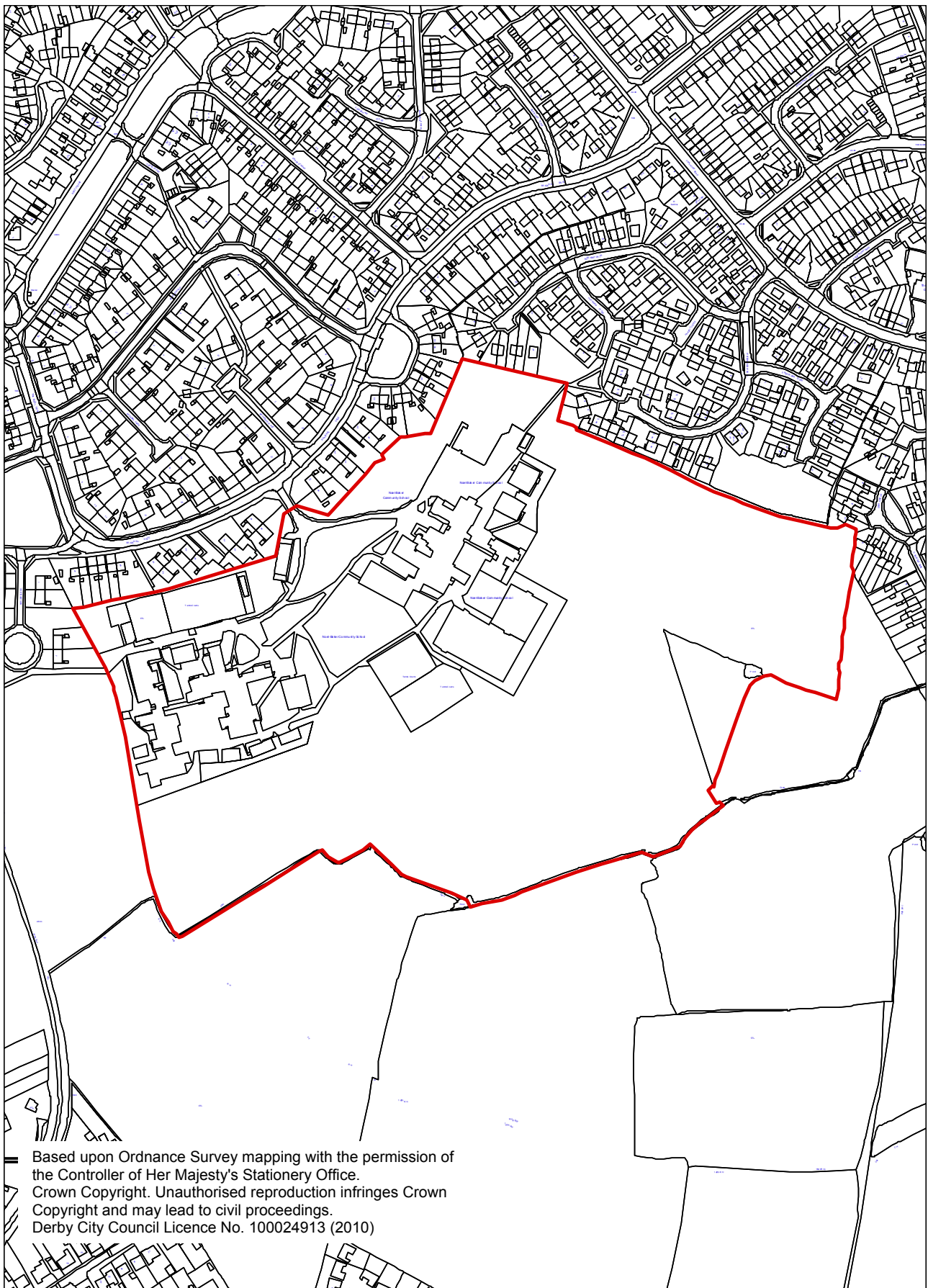
In accordance with the requirements of the Wildlife and Countryside Act 1981 all vegetation clearance, including tree felling and the demolition of buildings should be undertaken outside of the bird breeding season which extends from March to late August. If this is not possible, it is advised that a survey for occupied nests is conducted by a suitably experienced ecologist immediately prior to the commencement of the works. If any active nests are discovered, they should be left undisturbed until all young have fledged.

11.6. S106 requirements where appropriate:

None.

11.7. Application timescale:

The deadline for the determination of this application is the 26th of October.



Committee Report Item No: 5

Application No: DER/06/10/00744

Type: Full

1. **Address:** 2 Main Avenue, Allestree

2. **Proposal:**

Change of use from dwelling house (Use Class C3) to dental surgery (Use Class D1) including formation of car park, alterations to elevations and extension (2 offices and lobby)

3. **Description:**

This property is located on the east side of Main Avenue close to the junction with Park Lane and Duffield Road. There is a house to the north side at a lower level and a house to the rear east side which fronts Duffield Road. Opposite is a doctors' surgery with small car park. At the southern end of the garden is a small grassed area and a car park and recycling centre. The area on the south and west side of Duffield Road and the surgery on the opposite side of Main Avenue are part of the Neighbourhood Centre.

The site comprises a five bedroomed, two storey dwelling house with rooms and dormers in the roof on a sizeable plot facing Main Avenue but with main garden space on the sides rather than the rear of the property. Hedges are generally the boundary treatment, apart from a section of wall and railing immediately in front of the building, and there is a mature protected beech tree located in the southern part of the garden.

The application seeks planning permission for a change of use of use to a dental surgery with car park and extension to part of the southern side elevation. This extension is behind an extension approved in 2007. Other physical alterations comprise the infilling of the front door, which entrance is replaced by a glazed lobby into the previous extension, replacement of the garage door by obscure glazing and brickwork, infilling of some windows and doors and provision of obscure glazing to some windows on the north elevation and to the first floor rear facing windows. Internally the accommodation provides two surgeries on the ground floor and on the first floor, two associated waiting areas and ancillary space.

The applicant is one of the partners in the Duffield Road Dental Care Practice nearby and the move is in order to comply with Health Regulations relating to the sterilisation of surgical equipment. The existing surgery premises do not have enough space to implement the new requirements. The applicant will take his existing NHS patients with him and the additional surgery space is devoted to implant work which is much more intensive and time consuming than generic NHS consultations and generates a smaller patient turnover. Patient numbers are estimated at 40 per day, of which 30 will be NHS patients and 10 or more private.

During the process of the application, revised plans were received indicating an additional parking area to the south of the building to provide six patients' spaces, one of which is a disabled space, allowing four spaces for staff and servicing facilities on the north side; separate vehicular access is provided to each. Details have also been received indicating the proposed treatment of the car park and access in order to safeguard the protected tree and for the provision of obscure glazing to all the first floor rear windows close to the boundary with the neighbouring property on Duffield Road..

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Type: Full

4. Relevant Planning History:

DER/12/09/01448 Change of use from dwelling house (Use Class C3) to dental surgery (Use Class D1) and formation of car park – treated as withdrawn 16/06/09, appeal lodged.

DER/07/07/01313 Extension to dwelling (sun lounge), granted 03/09/07

DER/03/91/00337 Extension to dwelling (ancillary accommodation for family member), granted 17/06/91

5. Implications of Proposal:

5.1. Economic:

The move by the applicant to new premises allows compliance with relatively recent Health Regulations by allowing more space for the sterilisation of surgical equipment, which space was not available at the existing premises.

5.2. Design and Community Safety:

The security of the premises should be considered together with measures to reduce misuse of the premises outside hours of use. A condition should be imposed to secure such provisions in the interests of community safety and amenity.

The alterations to the building should respect the character of the dwelling and the streetscene.

5.3. Highways – Development Control:

Previously, indicated an awareness of concerns raised locally about the level and extent of on-street car parking in Main Avenue and surrounding streets with recommendations to be prepared for the Neighbourhood Board about parking controls.

It is recommended that the applicant should provide the maximum parking level in line with policy which can be achieved within this site.

5.4. Disabled People's Access:

Should provide level or ramped access and appropriate parking facilities.

5.5. Other Environmental:

There is a beech tree on the site which was made the subject of a tree preservation order in January in response to the previous application proposal. The treatment of the area beneath and near it requires special care.

6. Publicity:

Neighbour Notification Letter	35	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.

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7. Representations:

Representations have been received from 39 local residents objecting on the grounds of traffic congestion and parking problems in the area. These are not solely attributed to the doctors' surgery but also to parking for the centre and people parking to travel to other places such as the city centre by bus.

Also raised are need and the loss of residential property. One neighbour has raised concerns about overlooking windows some 100m from his property and has requested the use of obscure glazing. The representations include the doctor's surgery opposite.

Four letters of support have been received from three local residents and Councillor Repton. The Chief Executive of Derby City NHS has also indicated support for the proposal as it would secure access to NHS dental care and allow both the new and old surgeries to comply with the best practice standards in accordance with Health requirements. A petition of 68 signatories is also submitted in support of the proposal.

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

8. Consultations:

8.1. Building Consultancy:

The disabled parking provision and ramped access is acceptable and the provision of a disabled person's toilet is welcomed. The ramp and parking space provision should be conditioned.

8.2. Natural Environment (Tree Officer):

Discussed on site the specific practicalities of tree protection measures, the installation of new surfacing and how these linked in with proposals for the new access point. The Applicant's Arboriculturalist is producing a Method Statement to outline the sequence of events to facilitate the installation and ensure protection of the root area of the beech tree. This will address any concerns and the submission and compliance with an agreed Method Statement should be conditioned.

8.3 Environmental Services (Trees):

No response to the current application but previously requested more details on the no-dig construction of the car park and the access. These additional details have been submitted with the current application.

8.3. Environmental Services (Health – Pollution):

No response to the current application but raised no objections to the previous application for change of use to dental surgery.

8.4. Police Liaison Officer:

The issues raised are preventing trespass, especially out of hours overnight and at weekends, to the rear and unobserved side garden areas. Materials and equipment on the premises can be targeted through uncontrolled access. A gate from the staff parking area is recommended together with good physical security specifications, including alarms, as recommended in the Secure by Design scheme.

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

- GD5 Amenity
- L11 New Community Facilities
- T4 Access, Parking and Servicing
- T7 Provision for Cyclists
- T10 Access for disabled People
- E24 Community Safety

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 site of the proposal is not allocated for any particular use in the saved policies of the local plan. Policy L11 allows for new community facilities provided that:

- the proposal is well related to the population it is intended to serve,
- takes proper account in design terms of the character of its location and
- allows for adequate access and servicing facilities.

Surveys of current patients at the existing surgery located close by on Duffield Road indicate that 58% live within two miles of the surgery. The application site is adjacent to a Neighbourhood Centre on a public transport route and main road. Given that dental surgeries are not normally mutually exclusive to a local area the first criterion is satisfied.

The changes to the appearance of the former dwelling are relatively minor in the context of the streetscene and locality, comprising mainly a lobby on the front, infilling of the front door and garage door and a flat roofed extension on the side elevation obscured from view largely by an existing extension; accordingly the second criterion is also satisfied.

The third criterion is the most controversial but parking is provided for staff and customers. The applicant also indicates that surveys show that 67% of the existing patients travel by car either as a driver or as a passenger. Six full time staff and 6 part time staff, which equates to 8 full time equivalents, are proposed for the 4 surgeries. Parking standards would require a provision of 12 spaces so the proposal is marginally below the maximum standard. If Members accept this provision, I would recommend a travel plan for staff. There are concerns about street parking in the locality but the issue is whether the current proposal would exacerbate the situation. Dental surgeries are not generally high traffic generators and a refusal on these grounds would be difficult to justify.

Residential amenity from the use of the building, and in terms of overlooking, is not materially adverse with many existing windows especially on the ground floor and rear north east facing first floor being provided with obscure glazing.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

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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. The design and scale of the extension together with the proposed change of use is considered acceptable in terms of its impact on the street scene and residential amenity generally. The implications of the change of use for residential amenity and highway safety accord with the aims of the saved policies outlined in the adopted City of Derby Local Plan Review.

11.3 Conditions:

1. Standard condition 100 (plan numbers)
2. Standard condition 03 (3 year implementation)
3. Standard condition 68 (disabled access)
4. Standard condition 98 (Travel plan)
5. Standard condition 70 (cycle parking)
6. Standard condition 101 (tree protection)
7. Before any development commences, a Method statement for work under or near the protected tree shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be carried out in accordance with a timetable agreed on that statement.
8. Before development commences, details of security and community safety measures shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented before the use is commenced.
9. The obscure glazing indicated on the approved plans shall be provided and maintained as such at all times.
10. The car spaces indicated on the approved plans shall be made available before the use is commenced and retained for that purpose.

11.4 Reasons:

1. Standard reason E04
2. Standard reason E56
3. Standard reason E34... policy T10
4. Standard reason E35... policy T4
5. Standard reason E35... policy T4
6. Standard reason E08... policy L11
7. Standard reason E08... policy L11
8. Standard reason E08... policy E24
9. Standard reason E07... policy L11
10. To ensure that parking is available at the premises at all times in order not to exacerbate parking pressures elsewhere in the interests of

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residential amenity and in accordance with policies L11 & t4 of the adopted City of derby Local Plan review.

11.5 S106 requirements where appropriate:

None.

11.6 Application timescale:

The deadline for the determination of this application was 16 August and is delayed as a result of negotiations regarding car parking and the proximity of the protected tree

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Application No: DER/06/10/00744

Type: Full



Committee Report Item No: 6

Application No: DER/07/10/00955

Type: Full

1. **Address:** 36 Corn Market, Derby (Former Don Millers)

2. **Proposal:**

Change of use from retail (Use Class A1) to Bookmakers (Use Class A2), installation of shop front, air conditioning units and four satellite dishes.

3. **Description:**

The application site is located to the east of Corn Market within a pedestrianised area within the City Centre Conservation Area. The premises were formerly occupied by a Don Miller retail unit (Use Class A1). It is located within the City Centre Shopping Area and is a Primary Shopping Frontage.

36 Corn Market is a four storey building dating from the mid-eighteenth Century and is Grade II Listed. The surrounding area consists of various commercial units in the City Centre Shopping Area. It is characterised by mostly A1 uses with a small number of A2 and A3 uses. A number of statutory listed buildings are located near to the application site.

The shop front changes include additional glazing either side of a new fully glazed entrance door. The existing marble pilasters would be retained. Four satellite dishes are proposed to be fixed to the third storey rear elevation of the property varying in size from 0.6m to 1.2m, in addition to a TV aerial 3.8m in height. Two air conditioning units are proposed for the rear elevation measuring 0.7m by 0.7m and 0.7m by 0.3m.

4. **Relevant Planning History:**

DER/07/10/00956: Installation of shop front, air conditioning units, 4 satellite dishes and display of externally illuminated fascia sign and externally illuminated projecting sign. Refused Listed Building Consent September 2010 for the following reason:

‘The proposed shop front, by virtue of its design and modern materials would be visually intrusive within the street scene, insensitive and detrimental to the appearance and character of this prominent Grade II Listed building. As such the proposed shopfront would be harmful to the character and appearance of the Conservation Area, contrary to saved policies E18, E19 and E23 of the 2006 adopted City of Derby Local Plan Review.’

DER/07/10/00957: Display of externally illuminated fascia sign and externally illuminated projecting sign. Refused advertisement consent September 2010.

5. **Implications of Proposal:**

5.1. **Economic:**

The proposal would continue to sustain the shopping role and economic vitality of this part of the city centre.

5.2. **Design and Community Safety:**

There would not be any adverse community safety implications from this proposal. The installation of satellite dishes and air conditioning units to the rear would not be detrimental to the integrity of the listed building.

5.3. **Highways – Development Control:**

There would be no highways implications associated with the proposed development.

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5.4. Disabled People's Access: The new shopfront proposals detail an accessible approach which should be secured by condition

5.5. Other Environmental:
None

6. Publicity:

Neighbour Notification Letter	4	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:

Eight letters of objection have been received. The main points raised are:

- It would be detrimental to the viability and vitality of the Corn Market
- Too many non-residential uses in area
- The operation of a bookmaker with blanked out windows would not be helpful to adjoining retailers.
- It would not protect the area as a secondary retail circuit
- The proposal will lower the tone of what should be an upscale part of the city
- There are sufficient betting shops in this area already
- Detrimental to Iron Gate approach
- There would be a concentration of non-retail uses at this point in the Primary Frontage
- It would have a negative impact on the surrounding shopping uses by not encouraging a diversity of uses
- The applicant has failed to provide any evidence of lack of demand for the unit from retail occupiers.
- An increase in the use of ground floor premises for use by anything other than premium retail will only serve to undermine the efforts to maintain the retail integrity of the Cathedral Quarter
- It would serve to undermine the attractiveness of Derby to premium retail investors

These representations have been made available in the Members Rooms.

8. Consultations:

8.1 CAAC:

The Committee raised no objection in principle to the change of use, or to the proposed air conditioning units and satellite dishes which would be difficult to view, but this was subject to officer confirmation that there would still be access to the upper floors of the building, bearing in mind that the upper floors of the building could become at risk if access was not possible. The Committee objected to and recommended refusal of the proposed shop front

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as the materials of the shop front were considered to be an inappropriate modern material for use on this historic building, on a shop front of modern design, in accordance with the draft Shop Front and Advertisement guidance and PPS5. The Committee noted its regret that the opportunity had not been taken to reinstate the historic shop front or at least decrease the height of the fascia sign to line up with the console brackets and improve the proportions.

8.2 Built Environment:

No objection to the change of use as long as the view through the shop is not obstructed. Although the existing shop front and sign is modern the new proposed sign does not sustain or enhance the significance of the listed building and does not utilise its positive role in place-shaping, in accordance with Policy HE 7.4 and 9.4 of PPS5.

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

GD4	Design and the Urban Environment
GD5	Amenity
CC1	City Centre Strategy
CC2	City Centre Shopping Area
CC3	Primary Frontages
S12	Financial and Professional Services and Food and Drink Uses
E18	Conservation Areas
E23	Design
E25	Building and Security Measures

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 Cornmarket provides an important link between the historic Cathedral Quarter area and the Westfield Shopping Centre to the south. A mix of uses can contribute to a vibrant shopping area, but it is important that primary frontages do not lose their mainly shopping character. Since the economic downturn, a flexible approach is needed when assessing the loss of A1 premises, on the basis that, on balance, it is better to have units in occupation for complementary uses such as food and drink and A2 uses, rather than a large number of vacancies, which make filling them for our 'preferred' uses more difficult. However I acknowledge that there will come a time when the limit on the amount of non-A1 is reached, taking into account the overall level of vacancy and activity in the city centre on a case by case basis.

At the current time there are approximately 23 units that form the Cornmarket primary frontage area (both sides of the street). Of the 23 units, approximately 14 are in A1 use, although 3 of the units are currently vacant, including the unit in question. This equates to approximately 60%, whilst the non A1 units form the other 40%. If the proposal was implemented it would push the proportion of non A1 units to approximately 43%. There is no defined threshold at which the proportion of non A1 units has an impact upon the vitality and viability of a frontage. However, when the

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level of non-A1 reaches over 50% as this is clearly a point at which the overriding 'shopping function' is at least being threatened.

In this case the implementation of the proposal would push the proportion of non A1 units up to approximately 43%, which is starting to creep towards the point at which we would have some concerns. However, given that the overall proportion of A1 units is still around the 60% mark and taking into account the relative size of the unit, the number of vacancies that exist in this area, and the city centre as a whole, and the potential activity that the proposed use could generate, I am satisfied that the proposal would not conflict with the overriding aspirations of the Primary Shopping Frontage Policy.

It may be that the type of use may not be ideal in this location, particularly given the efforts to strengthen the role and function of the Cathedral Quarter area. However, it is not the case that maintaining the A1 permission on this unit would necessarily guarantee the quality of retailer being sought by certain objectors. Indeed the planning system cannot control tenant mixes or the nature of occupiers and could not prevent a 'low end' retailer from moving into the unit, or an occupier that could generate less activity. The other potential outcome of maintaining the A1 permission is that the unit will remain vacant, which may have a more significant adverse impact upon the vitality and viability of the area, compared to allowing the A2 use.

Under current policies in the Local Plan, the Cornmarket is not afforded any special protection, other than the 'primary frontage' policy (e.g. St Peter's Street). It is not identified as a 'special shopping area', like Sadler Gate for example. Therefore it is difficult to object to applications of this type on principle, as A2 uses are generally considered an acceptable use in the city centre. The unit in question is part of a run of 5 units of which only 1 unit (PDSA charity shop) will be in A1 use if the proposal is implemented. Again, there is no defined threshold at which a frontage can be defined as 'fragmented'. However, this section of frontage is already fairly fragmented and I think the impact of the change on vitality and viability of the area as a whole will be minimal, particularly given the dominance of Primark (which helps to maintain the 'retail circuit' and is the key attractor in the area).

The use class order does not differentiate between betting shops, estate agents or banks. They are all classed as A2 development, although it could be argued that they have a differing effect in terms of the impact upon the character of an area. I would suggest that general perception is that betting shops would have a greater impact upon the character of an area compared to a bank. However, this perception is not a valid reason to refuse the application as the assessment is purely looking at the A2 use rather than the nature of the operator.

Given the commercial nature of the surrounding development no issues are raised in relation to residential amenity. Due to the City Centre location, the site is well served by public transport and public car parking facilities, thus no adverse highway affects would ensue.

In terms of the satellite equipment, this would be positioned to the rear of the building and not be particularly visible from street level when standing on the nearby Lock-up Yard. On those grounds, this aspect of the development would be acceptable. The proposed shop front element of the scheme is considered inappropriate and is by virtue of its design and modern materials visually intrusive within the street scene,

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insensitive and detrimental to the appearance and character of this prominent Grade II Listed building. As such the proposed shopfront part of the scheme would be harmful to the character and appearance of the Conservation Area and Listed building. In light of this it is recommended to exclude that element of the proposal from any permission for the change of use.

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 change of use from A1 to A2 in this location is acceptable.

11.3. Conditions:

1. This permission shall not extend to include permission for the proposed shop front as included on drawing numbers: 2010/18/02 and 2010/18/03.

11.4. Reasons:

1. In the opinion of the Local Planning Authority the proposed shop front, by virtue of its design and modern materials would be visually intrusive within the street scene, insensitive and detrimental to the appearance and character of this prominent Grade II Listed building and Conservation Area. Accordingly, this element of the application is contrary to saved policies E18, E19 and E23 of the 2006 adopted City of Derby Local Plan Review.

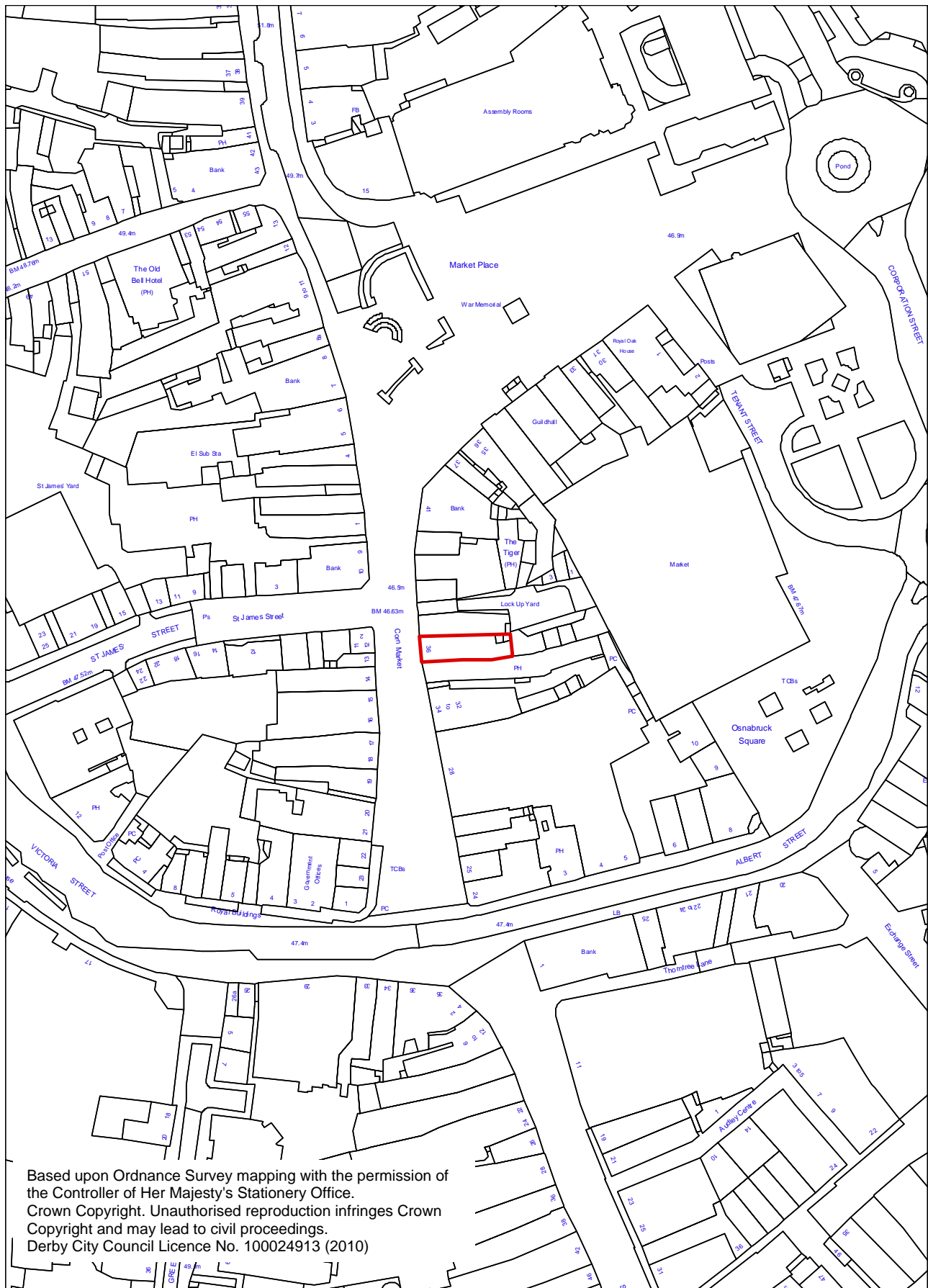
11.5. Application timescale:

The application is being brought to committee following various objections and has a statutory expiry date of 24 September 2010.

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Committee Report Item No: 7

Application No: DER/08/10/00964

Type: Full

1. **Address:** 2 Church Street, Alvaston (The Yews)

2. **Proposal:**

Extensions and alterations to nursing home (17 additional bedrooms)

3. **Description:**

This application relates to a residential care home for the elderly at 2 Church Street, Alvaston, known as The Yews. The home occupies a corner position at the junction of Church Street and Elvaston Lane. There are currently 26 bed spaces within the home, which has been subject to previous two storey and single storey extensions. There is a lawned amenity area to the front of the home, with a Cedar and Yew trees, protected by Tree Preservation Order. An existing laid out car park with 16 spaces is situated along the eastern boundary of the site served by two vehicle accesses onto Elvaston Lane. The premises are located in the former village centre of Alvaston and there are three Grade II Listed cottages on the opposite side of Church Street, to the west of the site. The rest of the surrounding area is suburban in character with a variety of house types.

There is an extensive planning history of applications for extensions and alterations to this care home over the past 10 years. A permission dating from 2005, ref: DER/12/04/02364, now expired, related to a two storey extension of similar form and siting to the current proposal, to create a 40 bed care home. This proposal is comparable in design and siting to one which was submitted in 2009, ref: DER/11/09/01281. That application raised concerns about the impact of the extensions on the protected trees on the site and it was subsequently withdrawn. Revisions have been made to the design and footprint of the proposed extension, submitted under the previous application, to lessen any effect on the Cedar and the Yew tree.

The extensions would primarily be two storey in height, with a small element of single storey at the rear of the building. There would be 29 bedrooms within the extensions, as well as two lounges, kitchen and dining area to ground floor. The development would result in an additional 17 bedrooms, creating a total of 43 bedrooms on site. The proposal would require removal of an existing two storey extension to the south of the main building and a two storey annex and garage, which abut the Church Street frontage. The main two storey block would project to the south of the original building, a total of some 33 metres in length. It would be of rectangular form, approximately 14 metres in width, with projecting gables on the east and west facing elevations. There would be a hipped roofline similar in height and design to the main ridge. The elevational treatment and materials are intended to tie in with that of the main building, including brick façade with bay window features at ground floor. An external ramped access would be formed to the stairwell on the south elevation of the extension. Other aspects of the scheme include a two storey flat roof extension to the west of the main building, approximately 12.5 metres in width facing the Church Street frontage. An existing two storey section, with hipped roofline would be extended by approximately 4.5 metres towards Church Street and a single storey flat roof extension would be attached to the rear of the two storey development, approximately 3.9 metres in height and abutting the Church Street frontage.

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Type: Full

Existing car parking and pick up/drop off provision would not be affected by the proposed development and the main entrance onto Elvaston Lane would become the sole vehicular access to the car park. The access onto the junction of Elvaston Lane and Church Street would be permanently closed to accommodate the development. Servicing is also currently provided off Church Street to the rear of the building and this would be maintained. No additional car parking spaces are to be provided, beyond the 16 existing spaces, 2 disabled bays and ambulance space.

4. Relevant Planning History:

DER/11/09/01281 – Extensions and alterations to create 20 bed residential care home, Withdrawn – February 2010

DER/09/04/01662 – Extensions to care home (7 bedrooms, wc and lounge), Granted – March 2005

DER/12/04/02364 – Extensions and alterations to create 40 bedroom residential care home (renewal of permission previously approved under ref: DER/11/01/01484), Granted – February 2005

DER/11/01/01484 – Extensions and alterations to create 40 bedroom residential care home, Granted – February 2002

DER/07/00/00798 – Extensions and alterations to create 40 bedroom care home, Refused – November 2000. Appeal dismissed on grounds of over intensive development and loss of Yew tree.

5. Implications of Proposal:

5.1. Economic:

The proposed development would increase the capacity of the care home, by adding a further 17 bedrooms. There would also be an associated rise in on-site staff, of 14 full time employees. As a result there would be 32 full time and 6 part time employees.

5.2. Design and Community Safety:

The proposed extensions would be substantial in scale and massing, although they would be proportionate with the overall size of the existing care home and in the main fit satisfactorily into the street context of this residential area. In terms of design and elevational treatment, the development would be in keeping with that of the main building although I do have concerns about the extent of the proposed flat roof element of the proposal which I located abutting Church Street and directly opposite Listed Buildings. The main building would have a lower hipped roofline and similar fenestration to the existing. The scheme would provide a reasonable layout, which retains adequate areas of amenity space for the occupants and level pedestrian movements around the site.

The development should not undermine public safety in the surrounding area and provide a secure and pleasant living environment for the residents of the home.

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5.3. Highways – Development Control:

The applicant has proposed to close the existing access which is directly accessed at the junction of Elvaston Lane and Church Street which as per the previous application and is considered satisfactory. The vehicle access will be required to be reinstated to the Highway Authority's satisfaction with a pedestrian crossing with tactile paving to both sides of Church Street.

The applicant has indicated that they will be using the 2nd existing vehicle access from Elvaston Lane which has visibility splays, leading to an existing marked out and hard surfaced off street parking area.

Turning facilities for service vehicles within the existing site are considered to be adequate and with the closure of the access at the junction with Church Street and Elvaston Lane, there would still be sufficient space for vehicles to enter and leave the site in a forward gear.

There are 16 no. off street parking spaces existing within the site with an additional 2 disabled parking spaces and an ambulance parking area. The applicant has not indicated an increase in off street parking spaces for cars as a consequence of the development, even though they are increasing the staff numbers and beds at the care home. It is accepted that the level of parking currently provided is sufficient in the context of PPG13 paragraph 49 and 51. In addition to this, I believe that 4 or more vehicles may be able to park informally adjacent to the grassed area within the car park without obstructing the manoeuvring space for the existing marked out parking spaces.

Details of cycle parking facilities should include safe, secure and covered shelter which is in proximity to the main entrance to encourage use. Details of waste or recycling facilities for the proposed development will be required to be within 10 metres of the highway boundary which is the recommended man carry distance for 1100 litre bins.

Highways – Land Drainage:

Drainage details submitted with the application are not adequate. Recommend conditions be applied to secure drainage scheme in accordance with requirements of PPS25.

5.4. Disabled People's Access:

Welcome inclusion of two disabled parking spaces. The extensions would be fully accessible by compliance with Building Regulations.

5.5. Other Environmental:

The existing care home has a large lawned area to the south of the building, with ornamental planting and two mature conifer trees, which are protected by a Tree Preservation Order.

The south and western edges of the site are designated as Flood Zone 3 on the Environment Agency's flood maps, as being at a high risk of flooding in a 1 in 100 year event. The site is on the southern extremity of the flood plain.

Committee Report Item No: 7**Application No:** DER/08/10/00964**Type:** Full**6. Publicity:**

Neighbour Notification Letter	24	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:

Three letters of objection have been received to the proposal and the main issues raised are as follows:

- The extensions would be substantial in scale and have overbearing effect on nearby properties
- Visibility at the junction of Elvaston Lane and Church Street would be obscured by the development
- Building footprint likely to affect roots of protected trees
- South elevation would have no window openings and overall development would be unsympathetic to character of the area and setting of nearby listed buildings.
- Surface water drainage in the area would be worsened and there is already localised flooding. Development would remove some 600 sq m. of natural drainage.
- An increase in traffic generation on Elvaston Lane as a result of additional bedrooms
- Concerns about supervision of residents of the care home.

These representations have been reproduced in this report

8. Consultations:**8.1. Natural Environment-Tree Officer:**

The applicant has submitted a thorough Tree Report that details tree protection, a method statement for the installation of the no-dig surfacing, construction practices, soil/root amelioration recommendations and details of new tree planting. I have no objections but believe that any consent should be linked to the Tree Report in order to ensure that the trees are satisfactorily retained throughout the development process.

8.2. Environmental Services-Trees:

No objections subject to condition, requiring tree protection measures for trees to be retained.

8.3. Environment Agency:

The Flood Risk Assessment lacks information on certain issues, such as suggested finished floor levels and exploration of potential flood flow routes to the site are limited and not thorough. However, accept that flood risk to the development will be low, should the existing finished floor levels of the development be maintained for newer sections of the development. The

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development would be acceptable provided that conditions are imposed requiring surface water drainage details, based on sustainable drainage principles and assessment of hydrological and hydrogeological context of the development. The finished floor levels should also be required to be set no lower than 42.18 metres AOD.

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

GD3	Flood protection
GD4	Design and urban environment
GD5	Amenity
E9	Trees
E10	Renewable energy
E19	Buildings of historic importance
E23	Design
H13	Residential development – general criteria
L11	New community facilities
T1	Transport implications of new development
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:

There is a lengthy planning history relating to extensions of this residential care home for the elderly, to increase the number of bed spaces on the premises. Previous applications have sought an increase in the size of the home to accommodate a total of 40 bedrooms. The existing single storey extension to the northern side of home which was granted permission in 2005, (ref:DER/09/04/01662) increased the number of bedrooms to 26. In the same year a two storey extension, on a similar siting to the current proposal, was approved to form a home of up to 40 bedrooms, (ref:DER/12/04/02364). That permission has now lapsed and as Members will be aware circumstances have changed with the more recent CDLP review and a particular concern to securing appropriate design in the right place.

The proposed two storey extension to the south side of the main building would add a further 17 bedrooms, forming a 43 bedroom care home. In policy terms, the principle of extending the care facilities at the home is acceptable in this location and has been established by previous permissions on the site. The provisions of Policy L11 are therefore satisfied by this proposal.

The proposed development would be of a comparable scale, design and layout to the previously approved scheme however it would be a substantial extension to the home and a prominent addition to the local streetscene. The success of such a large prominent extension is in the design detailing. The proposal seeks to tie into the traditional form and appearance of the original building and whilst it utilise similar elevational treatment, in terms of roofscape, external materials and window style, I feel that it fails to provide attractive elevations that are not monotonous and relatively bland without character.

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The development would include a small link section to separate the main bulk of the extension from the existing building and thereby preserve the identity of the main part of the home. The southern projecting block would be set in from the Church Street frontage approximately 7 metres and the existing red brick boundary wall retained around the perimeter. Landscaping within the garden area could provide further screening of the development. The proposal would also replace an existing two storey extension, which also does not complement the character of the rest of the building. It is the scale of the built form in terms of its extent towards the Elvaston Lane/Church Street junction emphasised by the regimented fenestration which doesn't sit comfortably with the smaller domestic scale and character of the street scene that I find disconcerting. In conclusion I consider that it would fail to relate well to the rest of the care home and would fall short of respecting the urban context of surrounding area.

This part of Alvaston, is characterised by the historic streetscape of the former village centre and suburban housing on Elvaston Lane. The period cottages at 1, 3 and 5 Church Street are Grade II Listed and are located on the opposite side of the road from the site. As such there is a mix of built form and architectural styles. Although in the main I consider that the development may preserve the setting of the listed properties on Church Street I do have severe reservations regarding the proximity and scale of the two storey flat roof element of the proposal to these listed buildings and street scene in general.

There would be an additional mass of building on the frontage, although it would not be significantly larger than the existing and no more detrimental in its visual impact than the existing structures on the Church Street boundary. In fact, the proposed extensions would create a more coherent form and lessen the cluttered appearance on this part of the site. I am not satisfied however that the provisions of Policies GD4, H13, E23 and E19 would be reasonably met by this proposal due to the imposing and relatively alien flat roof element of the proposal.

The main impact of the extensions in terms of residential amenities would be on the dwellings around the junction of Elvaston Lane and Church Street. The main two storey block would extend close to this boundary, which has a brick perimeter wall approximately 1.5 metres high. Affected properties are all located across the highway from the site and would be sufficiently distant from the extensions to avoid an overbearing effect on their living conditions or an undue loss of privacy. The cottages at 1 and 3 Church Street are in proximity to two storey additions on the western boundary of the site and would not be significantly more adversely affected by the proposed replacement structures on this elevation. Overall, I consider that the development would result in a limited loss of amenity to the nearby dwellings in the vicinity of the site. The provisions of Policy GD5 would therefore be satisfactorily met.

There are two prominent protected trees within the site, comprising a Cedar and Yew trees, which are to be retained as part of the development. The siting and footprint of the building has been altered since the previous application in 2009, to ensure that the trees can be accommodated, without detriment to their health and long term retention. I am satisfied that both trees would not be adversely affected by the scheme, provided that the specified tree protection measures submitted in support of the application are adhered to. The proposal therefore adequately meets the requirements of Policy E9.

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Type: Full

This site is on the southern edge of designated Flood Zone 3 with only about a third of the site area affected. A flood risk assessment has been included to address any potential impact from a flooding event, although it is acknowledged that the risk of significant flood flows through the site is very low. On this basis I consider that subject to a suitable surface drainage scheme being submitted and finished floor levels being agreed prior to commencement then the risk of adverse effects from flooding can be minimised. This would be in accordance with the requirements of Policy GD3.

The parking and servicing provision within the site would be maintained as existing, following the proposed increase of 17 bed spaces as a result of the development. However, visits to the site have shown that the current car park is under utilised and additional information supplied by the agent indicates that relatively few staff currently travel by car. I am therefore satisfied that there is adequate car parking already on the site to serve an extended 43 bed care home. The provisions of Policies T1, T10 and T4 are considered to be satisfactorily met by this proposal.

11. Recommended decision and summary of reasons:

11.1. To refuse planning permission.

11.2. Reasons:

1. The proposed development introduces a large element of flat roof to the Church Street elevation which is an alien and intrusive feature in the street scene. This concern is compounded by the proximity of 3 grade II listed buildings opposite this part of the proposal. Accordingly the development fails to satisfactorily reflect the character of the area dominating the narrow street from both directions to the detriment of the street scene generally and specifically to the setting of the adjoining listed buildings. The proposal is accordingly contrary to adopted City of Derby Local Plan Review policies GD4, E19, E23, H13
2. The architectural fenestration and regimented vernacular is considered uninteresting and out of character with the local qualities of the immediate street scene. The proposal fails to achieve the high standard of design necessary to complement the surrounding area. It is essential that new development does not impose monotonous and bland elevations onto an otherwise varied and interesting street scene. The proposal is accordingly contrary to adopted City of Derby Local Plan Review policies GD4, E23, H13
3. The proposed two storey extensions would be very close to the Church Street / Elvaston Lane junction. They would appear as a mostly unrelieved large and bulky addition and would not reflect the small scale architecture of the surrounding properties, particularly the Listed Buildings directly opposite. The proposed extensions would accordingly be unduly prominent to the detriment of the local street scene generally. The proposal is accordingly contrary to adopted City of Derby Local Plan Review policies GD4, E19, E23, H13

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Application No: DER/08/10/00964

Type: Full



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Enclosure

Chestnut Cottage
Elvaston Lane
Alvaston
Derby, DE24 0PT

28 August 2010

Ref: Application No. DER/08/10/00964/PRI

Dear Sarah Booty

I am responding to your letter dated 16/08/2010 concerning proposed extensions and alterations to The Yews nursing home at 2, Church Street, Alvaston, Derby.

This is a further episode in a series of alterations and proposed alterations to the Yews. The last of these which was withdrawn was similar to the present application although this seems to present a very substantial structure with over-riding effect on the surrounding properties.

The proposed structure will have a degrading effect on the environment in this area which is the centre of the old village of Alvaston with very old cottages and the local parish church.

It should also be noted that the proposed construction would present further visibility problems for traffic at the junction of Elvaston Lane and Church Street; this junction is already difficult and is on a local bus route.

Examination of the plans for the development indicates that the foundations of extension would be dangerously close to the roots of the beautiful trees, in the grounds of the Yews, which are the subject of protection orders.

When I pursued objections to an earlier application that involved demolition of the Yews I was appalled to find that none of the members of the Planning Committee had visited the site to examine for themselves the nature and effect of the application for the major development that they were approving.

I would ask, therefore, that before approving this application, the members of the Planning Committee properly consider the objections of the local residents and visit the Yews to observe for themselves the effect construction of the proposed extension would have.

Yours sincerely

Michael C.W. Cottrill

DER/08/10/00964

NS-pl-Acan + actual 6/9

SR - objection, see comment below.

6

Enclosure

Derby City Council
Regeneration and Community Department
Roman House
Friargate
Derby

30 Elvaston Lane
Alvaston
Derby
DE24 0PU

Your Ref: DER/08/10/00964/PRI

4th September 2010

Town and Country Planning Act 1990

Planning Permission 2 Church Street (Yews), Alvaston, Derby

Attn. Sara Booty

Thank you for your correspondence regarding the Application for Planning Permission to build an extension onto 2 Church Street, Alvaston, Derby (Yews).

I wish continue to object to this proposal, having studied the plans that you have submitted to me.

On the following grounds;

1. The development is not in keeping with the area, and faces onto the historic cottages on the opposite side of Church Street.
2. The Proposal will present a "Brick Wall" on the corner of Church Street and Elvaston Lane and pose a hazard to traffic exiting Church Street, (already a blind junction from the right hand side).
3. Increase to Traffic entering and exiting Elvaston Lane as a result of additional residential spaces at (Yews).
4. Concern over supervision and care at "Yews", residents have been found "wandering" in Elvaston Lane, any increase in numbers is cause for concern.

Page 1 of 2

DEVELOPER	DERBY CITY COUNCIL
DATE	DER/08/10/00964
TIME	7 SEP 2010
NAME	LJB - pt scan & acknowledge TW
SIGNED	SB.

LS

(10)

Enclosure

Page 2 of 2

5. Flood danger, additional building will drain rain water onto Church Lane, already designated a "Flooding danger area" by Severn Trent, and may cause additional risk.

Yours sincerely,

Mrs. E. C. Law

Enclosure

From: David Gale [mailto:]
Sent: 21 September 2010 12:05
To: DevelopmentControl
Cc: Graves, Alan; Watch Member; brenda.marriott@bluebottle.com;
lorna.harrison2@ntlworld.com
Subject: Objection to Planning Application - 08/10/00964 - The Yews, 2 Church Street, Alvaston

Dear Sirs

REF. PUBLIC CONSULTATION ENDING 21.09.10
<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeResultDetail&TheSystemkey=90192>

Following inspection of the proposed planned extension of The Yews nursing home at 2 Church Street, Alvaston , please note the following objections:

1. Obstruction of visibility of dangerous junction – on what is already recorded as a dangerous junction, drivers need as much warning as possible of the arrival of an Arriva bus at the junction of Church Street and Elvaston Lane. The 45 bus cannot negotiate the junction from Elvaston Lane to Church Street without significant incursion onto the carriageway being used by oncoming vehicles on Church Street. For this reason, approaching vehicles have to stop short of the junction to avoid a collision with a bus. There have already been accidents at this junction involving cars and buses, one of which resulted in a car being a complete write-off. The proposed development would significantly restrict drivers visibility on approach from both sides of the junction.
2. The lack of synergy and sympathy within Alvaston Old Village. The south elevation appears to have no windows presenting a large, modern brick wall in an area opposite three Grade II listed buildings. The previous extension, being single storey and rendered, at least made some effort to fit in with the character of the neighbourhood. The proposed additional extension, being two-storey, and brick-fronted, would contrast badly with both the listed buildings on Church Street and the older properties on Elvaston Lane.
3. Increased Flood Risk - The FRA which supports the planning application states that the increased load on the surface water drainage system will be mitigated by the use of a soak-away on the West side of the site and that the flood risk to The Yews is in any case small as the ground floor will be elevated and the building will be appropriately designed. Church St. is already liable to local flooding just opposite the Yews as the existing storm drain cannot cope with heavy rain now. The proposed development will remove some 600 sq. m. of natural drainage and dump the excess exactly where it can least be accommodated. There appears to have been NO flood risk assessment, as required by the Environment Agency.

Yours sincerely

Enclosure

David & Helen Gale | Church Farm | 5 Church Street | Alvaston | Derby | DE24 0PR
| England |

Committee Report Item No: 8

Application No: DER/07/10/00825

Type: Full

1. **Address:** 367 Burton Road

2. **Proposal:**

Extensions to dwelling house (dining room, bathroom, study, reception, 2 bedrooms, Juliet balcony and enlargement of hall).

3. **Description:**

This is a householder application for the erection of a two storey extension on the front elevation and the erection of a single storey extension on the rear elevation. The front extension has a forward projection of 7 metres from the original dwelling and will extend its full width of 8.5 metres. The eave and ridge height of the extension are continued through from the original dwelling house at a height of 4.8 metres, and 7.8 metres, respectively. The rear extension is of a single storey construction with a flat roof, with a maximum rear projection of 5.2 metres and 3.65 metres due to the infill nature of its footprint.

The front elevation will remain largely the same as the existing with the exception of the introduction of an entrance door; which is sited slightly left of the centre of the elevation. The existing balcony feature has been replaced with a Juliet balcony. The proposed side elevations are to be blank. The rear elevation is to be broken by the insertion of two pairs of French Doors.

The submitted plans also indicate the insertion of 12 velux windows in the side roof plane, 6 on each roof plane. However these are considered to be permitted development and will therefore not be considered in this report.

The application site is located on Burton Road, a main access corridor into the City Centre. The street scene is largely varied and differs in age and style. The adjacent property, no.369 is of a similar external appearance and age. The two are viewed together given their set back from the street scene and elevated position.

The application site is set approximately 17 metres back from the public highway in an elevated position. Car parking for the dwelling is currently provided to the front but car parking is available in the form of a garage and hard standing linear driveway on land to the rear which is accessed by a shared drive between 369 and 367. No's 363 and 371, an apartment building, are set further forward than the property which is the subject of this application.

4. **Relevant Planning History:**

DER/05/78/00668 Granted – Erection of Domestic Garage and Workshop

DER/11/80/01795 Granted – Extension to dwelling house (lounge)

5. **Implications of Proposal:**

5.1. Design and Community Safety:

The design of the proposal has incorporated features similar to that of the original dwelling house.

5.2. Highways – Development Control:

The following comments are made in reference to Drawing No. 202 unless otherwise specified.

Committee Report Item No: 8**Application No:** DER/07/10/00825**Type:** Full

The application site is within a residential area and accessed via Burton Road which is a principal road. The site currently benefits from hard standing and turning facilities to the frontage as well as a shared driveway to the rear of the site which appears to have a double garage.

It is unclear if the site will have turning facilities as a consequence of the development, to ensure that vehicles can enter and leave in a forward gear. Details of turning facilities will need to be submitted to and approved in writing by the LPA.

6. Publicity:

Neighbour Notification Letter	6	Site Notice	N
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 two letters of objection-one from the neighbouring property, no.369, and one from Councillor Atwal. Both have been reproduced in this report for consideration. Any further letters of representation received prior to the meeting will be made available for Members' consideration. The objectors are primarily concerned with the following:

- Concerns over the loss of car parking, and the potential use of the shared driveway for the purposes of car parking,
- The shared driveway leads to the gardens and garages of both properties,
- There is no alternative car parking provision on the submitted plans,
- There are covenants on the properties in respect of the shared driveway,
- No.369 and 367 properties were built as an architecturally complementing pair and this extension would be detrimental to this,
- Proposal would look out of place,
- Concerns over loss of turning facility and impact on the public highway if cars had to reverse onto Burton Road.

8. Consultations:

No other consultations were requested in light of the nature of the application.

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

GD4	Design and the Urban Environment
GD5	Amenity
H16	Residential Extensions
E23	Design
T4	Access, Car Parking and Servicing

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Application No: DER/07/10/00825

Type: Full

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 have no objections to raise to this application following the submission of the clarification from the applicant, in their letter of 11th August 2010 in respect of the property's off-street car parking provision.

Whilst I note the proposal seeks to develop of front extension, I am of the opinion given its design coupled with the set back of the original property the proposal will not detrimentally harm or unbalance the street scene given its varied nature. The neighbouring property differs in appearance to that of the application property given its protruding feature, bay window and stone detailing. In addition, No.369 has erected a single storey car port on the front elevation which has a similar forward projection to the proposed extension. The design of the front elevation is comparable to that of the existing and therefore the dwelling will, when viewed from the front elevation, appear relatively unaltered. Given the site, context of the locality and existing irregular building line I raise no objection to the erection of an extension on the front elevation of this property.

I am of the opinion that the proposal will not result in overlooking, massing or overshadowing of the adjacent properties; due to the removal of the formal balcony and its replacement with a Juliet balcony. No objections have been received on these grounds. As such I am satisfied that neither the front extension or the rear extension by virtue of their siting, design and scale will be detrimental to the living environment of the neighbouring properties.

The design of the rear extension is simple in form and will not be viewed from the public domain. As such I am of the opinion it will not impact upon the character of this property to its detriment, or the character of the street scene. I therefore raise no objection to its erection.

The application has attracted letters of objection which are largely centred around car parking provision and access. The Highway Officer has raised no objections to the proposal. I note the objector's reference to a covenant attached to the Deeds of these properties in relation to parking on the shared driveway. This is a private matter but can be enforced through the correct channels if required.

The application property has a driveway, which leads from the termination point of the shared driveway to a garage within their private amenity space. I am of the opinion, as are my Highways Colleagues, that the off street car parking provision for this property exceeds the Councils Parking Standards, as such I feel it unnecessary to request additional car parking details. I note the concerns of the elected member, neighbouring resident and the Highway Officer in respect of ensuring any vehicle enters and leaves the curtilage in a forward gear, therefore I feel that it is reasonable, in this instance, to request details of a turning facility within the application site.

Overall, I raise no objection to the erection of the two storey front extension and single storey rear extension. The proposals reasonably satisfy the relevant planning policies as set out in the City of Derby Local Plan Review and as such I recommend planning permission be granted for the extensions.

Committee Report Item No: 8

Application No: DER/07/10/00825

Type: Full

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in Section 10 of this report and it is considered that the proposal is acceptable in terms of design, impact on the street scene, impact on residential amenity and in terms of highway safety and off-street car parking provision.

11.3. Conditions:

1. Standard condition 03 (time limit)
2. Standard condition 100 (approved plans)
3. Standard condition 27 (external materials)
4. No part of the development hereby permitted shall commence until the parking and turning areas are (i) provided and (ii) surfaced in a bound material in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking and turning of vehicles.

11.4. Reasons:

1. Standard reason E56
2. Standard reason E04
3. Standard reason E14... Policies H16, GD4 and E23
4. In the interests of highway safety and to ensure a vehicle can enter and leave the site in a forward gear and in accordance with Policy T4 of the CDLPR.

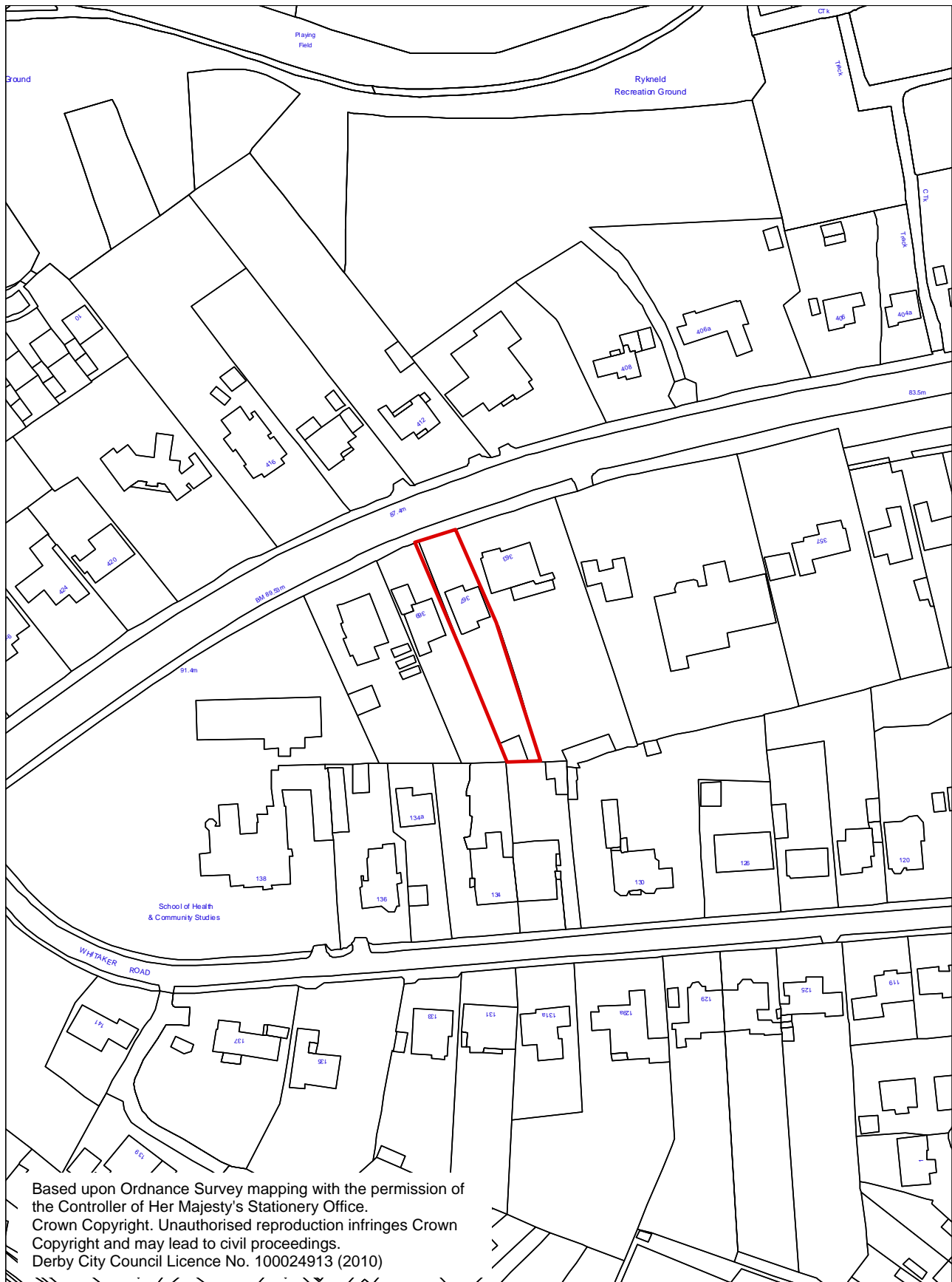
11.5. Application timescale:

The statutory 8 week time period for the application expired 1st September 2010. The application is brought to Committee at the request of Councillor Atwal.

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Application No: DER/07/10/00825

Type: Full



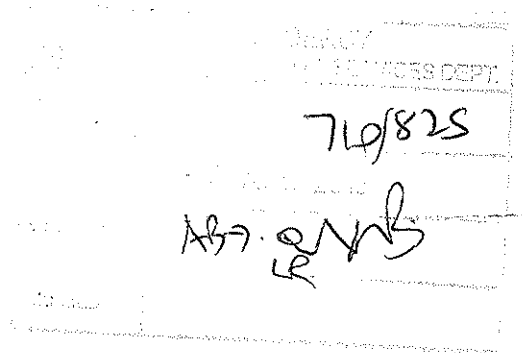
Enclosure

Tel:

369 Burton Road
Derby
DE23 6AH

27 July 2010

Laura Raynor
Derby City Council
Roman House
Friar Gate
Derby DE1 1XB



Dear Miss Raynor

Re: Planning Application NO. DER/07/10/00825/PRI - 367 Burton Road, Derby

We have just returned to the country from a holiday abroad to find your letter to us of the 7th July in respect of the above.

We are most concerned about the extensions proposed by our neighbours and would urge you to consider our objections to them carefully.

Our properties share a driveway. Both households have a number of cars. At present we both park in front of our respective properties. If approval is given to the proposed extensions, we fear that our neighbours will begin to park their cars on the shared driveway. This driveway is in between both properties leading to the gardens and the garages behind them.

On the existing proposals we cannot see what alternative car parking provision they are making, other than resorting to parking on the shared driveway. This must be kept clear at all times for obvious reasons and in accordance with the restrictive covenants on both properties.

Originally when the two houses were built, they were built as a pair architecturally complementing each other. With the extensions proposed to 367 Burton Road, this would be a significant departure from its original structure and would look most unflattering.

Yours sincerely

Mr & Mrs Hardial Bains

Enclosure

From: Atwal, Ajit
Sent: Tue 24/08/2010 10:39
To: laura.raynor@derby.gov.co.uk
Subject: re 367 burton rd

Hi laura i spoke to yourself regarding 367 burton rd a couple of weeks ago i have been approached by one of the neighbours regarding this property & went round to see the family who live next door & have put in a objection to the extension.

I honestley do believe this property if granted planning permission would look out of place due to the fact that both properties from the front elevation look identical it would also have problems regarding parking & would cause problems when trying to turn a veichle around in the car park just as you pull up in front of the propertiee it would also create a problem for traffic on burton rd if you had to reverse on to burton rd to get out of the propertie causing problems on the highway we have over the years had many problems on burton rd / whittaker rd & farley rd junction with many accidents on burton rd & this propertie is just a stones throw away from the accident hotspot.

1 because it would look out of carachter

2 it would cause problems for traffic when coming into this propertie or exiting this property so i am strongley putting in a objection that this propertie is not granted planning permission & iam also asking youself laura to look into this planning aplication with great detail if iam needed to attend committie i would be more than happy to do so.

kind regards.

Cllr Ajit Atwal

Committee Report Item No: 9

Application No: DER/08/10/00989

Type: Full

1. **Address:** 3 Crich Avenue, Littleover

2. **Proposal:**

Extension to dwelling house (dining room, kitchen, shower, two bedrooms and ensuite) and erection of detached garage in rear garden (amendment to previously approved application DER/01/09/00041) and erection of detached store

3. **Description:**

The householder application seeks to regularise the two storey side extension which has not been built in accordance with the approved plans. It also seeks to regularise the erection of a detached store and garage on land to the rear which are also different from the approved plans.

The previous application, DER/01/09/00041, granted planning permission for a two storey side extension, single storey rear extension and detached garage. Construction work is nearing completion on site and it was brought to the attention of the Enforcement Team that the extension was not built in accordance with the approved plans.

Side Extension

The submitted plans seek to retain a two storey side extension which is 3.55 metres in width, 7.8 metres in length with an eave and ridge height of 5.3 metres and 8.2 metres, respectfully. The previously approved extension had a width of 3.5 metres, length of 8 metres and an eaves height of 5.1 metres and ridge height of 8.3 metres. The internal arrangements of the proposed remain as per the previously approved scheme.

Rear Extension

The rear extension, in terms of scale, has been constructed as previously approved with the exception of the siting of the windows and pedestrian door. The previous approval granted permission for a window on the side elevation, pedestrian access door and small scale window on the rear elevation along with French doors. The current application seeks to retain a pedestrian access door on the side elevation along with a small scale window and a small scale window on the rear elevation. The design of the French Doors has altered slightly.

Outbuildings

The previously approved garage was approved adjacent to the rear boundary and measured 6.5 metres by 6 metres with a ridge and eaves height of 4.7 metres and 2.3 metres.

The current application seeks to retain a detached garage and store on land to the rear; both out buildings are set in from the rear boundary by 0.7 metres. The garage has a footprint of 4.9 metres by 5.6 metres with an eave and ridge height of 2.5 metres and 3.9 metres, respectfully. The elevations are to be blank with the exception of an up and over door on the front elevation. The store has a footprint of 3.8 metres by 5.6 metres and an eaves and ridge height of 2.6 metres and 3.8 metres. The elevations of the store are to be blank with the exception of a UPVC pedestrian door on the front elevation. The upper parts of the gable of both outbuildings are to be rendered.

Committee Report Item No: 9**Application No:** DER/08/10/00989**Type:** Full**4. Relevant Planning History:**

Enforcement Number 09/00298

DER/01/09/00041 Granted - Extensions to dwelling house (dining room, kitchen, shower, two bedrooms and en-suite) and erection of detached garage

5. Implications of Proposal:**5.1. Design and Community Safety:**

The design of the proposed extension has incorporated features from the original dwelling house and the street scene of Crich Avenue.

6. Publicity:

Neighbour Notification Letter	6	Site Notice	N
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 9 letters of objection; 4 letters are from the same property, no.4 Crich Avenue and have been signed by various residents residing in the locality. The letters have been made available in the Members Rooms for consideration. Any further letters of representation received prior to this meeting will be made available for Members' consideration. The objectors are primarily concerned with the following:

- Did not receive a consultation letter with regards to the first application,
- Unacceptable siting of the garages adjacent to another residents boundary,
- Other garages are not arranged in this way,
- Design of the outbuildings is unacceptable,
- Impact on their garden,
- Concerns over the use of the outbuildings for commercial uses,
- Would suggest fencing be erected or planting should be implemented to screen the garages,
- Side extension is unacceptable and does not conform to the street scene,
- Concerns over the content of the officer report and its reference to similar extensions,
- Unprecedented structure,
- Concerns over the hard standing to the front and its extension and removal of vegetation,
- Concerns over whether or not the extension adheres to building regulations,
- Size and scale of the outbuildings,

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Type: Full

- The condition in relation to the garage being used for residential purposes is unenforceable and unreasonable. It does protect the amenity of the residents and thus becomes a polite notice,
- Concerns over the quality of the building work,
- Impact on the value of their properties,
- Is the undercroft structural safe to allow vehicles to pass under,
- Using gardens areas for car parking is not acceptable,

8. Consultations:

No other consultations were requested in light of the nature of the application.

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

GD4	Design and the Urban Environment
GD5	Amenity
H16	Residential Extensions
E23	Design
T4	Access, Car Parking and Servicing

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 application is a retrospective application and seeks to retain a two storey side extension, garage and store. The application site is located on Crich Avenue and is rectangular in form. The street scene comprises of detached and semi-detached properties with additions notably visible. Properties have a provision of off-street parking and private amenity space located to the front and rear. There are also a number of properties that have been extended on the side at both ground and first floor; similar to that proposed the main difference is the use of this ground floor as a covered way and the deletion of a garage door. Notably properties no.13 and 15 which have been subject to two storey side extensions; both with a lesser set back than that of the proposal and a garage at ground floor rather than the covered way. There are other alterations within the street scene however; I am of the opinion, that these are the most relevant to the proposal side extension.

Side Extension

In terms of impact on neighbouring properties I am of the opinion, given that no.1 Crich Avenue has been the subject of an extension at ground floor, the property will not be unduly affected by the single storey rear extension in terms of overlooking, massing and overshadowing.

No.5 Crich Avenue has raised objections to the retention of the extension and did express objection under the previous application DER/01/09/00041. No.5 is located to the east of the application site and is therefore adjacent to the two storey extension. Whilst I accept there will be some loss of light to the kitchen window on the side elevation I am of the opinion it would not be of a significant level to warrant

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refusal of the application. It is important to note that no.5, when considering the kitchen window, enjoys light over third party land over which they have no control.

The installation of windows on the front elevation and rear elevation are considered to be acceptable and will not impact on the residential amenity of those properties on Crich Avenue and Constable Drive to a level worse than currently experienced with the original dwelling house. The window and kitchen door on the side elevation of the rear extension are considered to be acceptable and are relatively screened by the existing boundary treatments and their detached garage.

The submitted plans have made reasonable efforts within the design solution to ensure integration of the extension with the character of the street scene and original dwelling house. I note the concerns of local residents in respect of the lack of cornering detailing however the extension, at present is incomplete, therefore I am of the opinion it would be unreasonable to assume that these are not going to be inserted. However, if Members are so minded a condition can be attached to ensure the corner detailing is completed within 3 months of the date of any decision. The materials, scale and design are considered to be acceptable.

The proposed side extension provides a set back of 0.8 metres and a reduced ridge height of 0.4 metres. Policy H16 states a first floor extension should be set back to avoid a terraced or cramped effect in the street scene. Whilst the extension was constructed with no set back at ground floor the applicant has made alterations to provide a set back flush with that of the first floor, a distance of 0.8 metres. The extension therefore exceeds the requirements of this policy by providing a set back at ground floor as well as first floor.

The erection of the two storey extension has not resulted in the displacement of any off street car parking provision. The rear amenity space, garage and front amenity space are accessible to the residents for car parking provision. As such I raise no objection in terms of car parking provision as the property exceeds the 2 car parking spaces required as detailed in the Councils Parking Standards.

By virtue of the extensions design, scale, external appearance, design and the relationship created with its neighbours I raise no objection the retention of the extension.

Outbuildings

I note the concerns of those properties on Constable Drive, particularly no.25 who shares a side boundary with the application site. It is important to note the allowances of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008: Class E of Part 1 relates specifically to development within the curtilage of the dwelling house. The Order states that where an outbuilding is located within 2 metres of a boundary a building should not exceed 2.5 metres, otherwise planning permission will be required. Therefore in respect of the garage it is only the section above the eaves which requires planning permission, a triangular area with a height of 1.5 metres and in respect of the store a height of 1.4 metres. Therefore, it must be considered whether the increased height of 1.4 and 1.5 of a gable, an area which reduces in width to a point, would be detrimental to the residential amenity. I am of the opinion it would not be unduly harmful to the neighbouring resident, no.25 Constable Drive, given the distance from their rear

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elevation. I note there has been a request for planting or fencing to the rear of the outbuildings and if Members are minded a condition could be attached. It is also important to note the dual pitch roof could be removed and replaced with a flat roof which would be in accordance with the General Permitted Development Order.

I note objections have been raised from residents in relation to the use of these buildings for purposes other than those reasonably accepted as incidental to the enjoyment of the dwelling house. In addition a concern has been raised in relation to the Council Standard Condition, which reads:

The garage shall be used only for the storage of private motor vehicles and other purposes incidental to the enjoyment of the dwelling house and shall not be used for or in connection with any trade or business.

This condition is considered, by the LPA and successive planning inspectors at appeal, to be sufficient. Should the store and/or garage be subject to a use which does not conform to the standard condition enforcement action will be sought. Members attention is brought to a recent appeal decision at no.218a Stenson Road where an outbuilding, permitted as a games rooms, was being used an independent dwelling house. The appeal was subsequently dismissed by the Planning Inspectorate due to harm of residential amenity. As such I raise no objection to the garage and store.

Representations

As stated in Section 7 of this report the application has attracted 9 letters of representation, some with additional signatures.

When considering the previous application and current application, the neighbour notification letters have been dispatched in accordance with the Councils Adopted Statement of Community Involvement. In addition I can confirm that notification letters were sent 22nd January 2009 to the following properties, in respect of the original application DER/01/09/00041;

1 Crich Avenue, 4 Crich Avenue, 5 Crich Avenue, 6 Crich Avenue, 1 Scarsdale Avenue, 25 Constable Drive

The following properties were notified of the current application and were sent on 17th August 2010;

1 Crich Avenue, 4 Crich Avenue, 5 Crich Avenue, 6 Crich Avenue, 1 Scarsdale Avenue, 25 Constable Drive

Therefore, I can confirm that both applications have been the subject of the correct notification process.

The widening of the hard standing of no.3 Crich Avenue was considered by a Planning Officer and Enforcement Officer during a site visit with the Agent and it is deemed to be in accordance with the General Permitted Development Order therefore no application or works are required in relation to this hard standing. The removal of un-protected vegetation within a domestic curtilage does not attract the need for planning permission.

The building works are currently under consideration by the Councils Building Consultancy Team who will consider the structural stability and structural soundness

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of any building work and its adherence to relevant regulations. Neither, Building Consultancy or the Local Planning Authority has a remit of control over the quality of building work although I have expressed my concerns to the builder about his quality control. The concerns raised over loss of value to properties are not a material planning consideration and therefore cannot be considered as part of this report.

Whilst I note the concerns of neighbouring residents in relation to the use of rear private space for parking purposes; I am of the opinion that it is not in the LPA's remit of control to dictate how a property uses its amenity space. The provision of greater parking provision within a domestic curtilage would surely reduce the need for on-street car parking.

Summary

Overall I raise no objection to the retention of the side extension, store and garage and note the attempts of the applicant to rectify the amendments. I am of the opinion by virtue of the design, scale, mass, external appearance and impact on residential amenity the extensions broadly conforms to the planning policies as set out in the CDLPR.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in Section 10 of this report and it is considered that the proposal is acceptable in terms of design, external appearance, impact on the street scene, impact on residential amenity and in terms of off-street car parking provision.

11.3. Conditions:

1. Standard condition 03 (time limit)
2. Standard condition 100 (approved plans)
3. The garage shall be used only for the storage of private motor vehicles and other purposes incidental to the enjoyment of the dwelling house and shall not be used for or in connection with any trade or business.
4. The store shall be used only for storage purposes incidental to the enjoyment of the dwelling house and shall not be used for or in connection with any trade or business

11.4. Reasons:

1. Standard reason E56
2. Standard reason E04
3. Standard reason E14 (H16 and GD5)
4. Standard reason E14 (H16 and GD5)

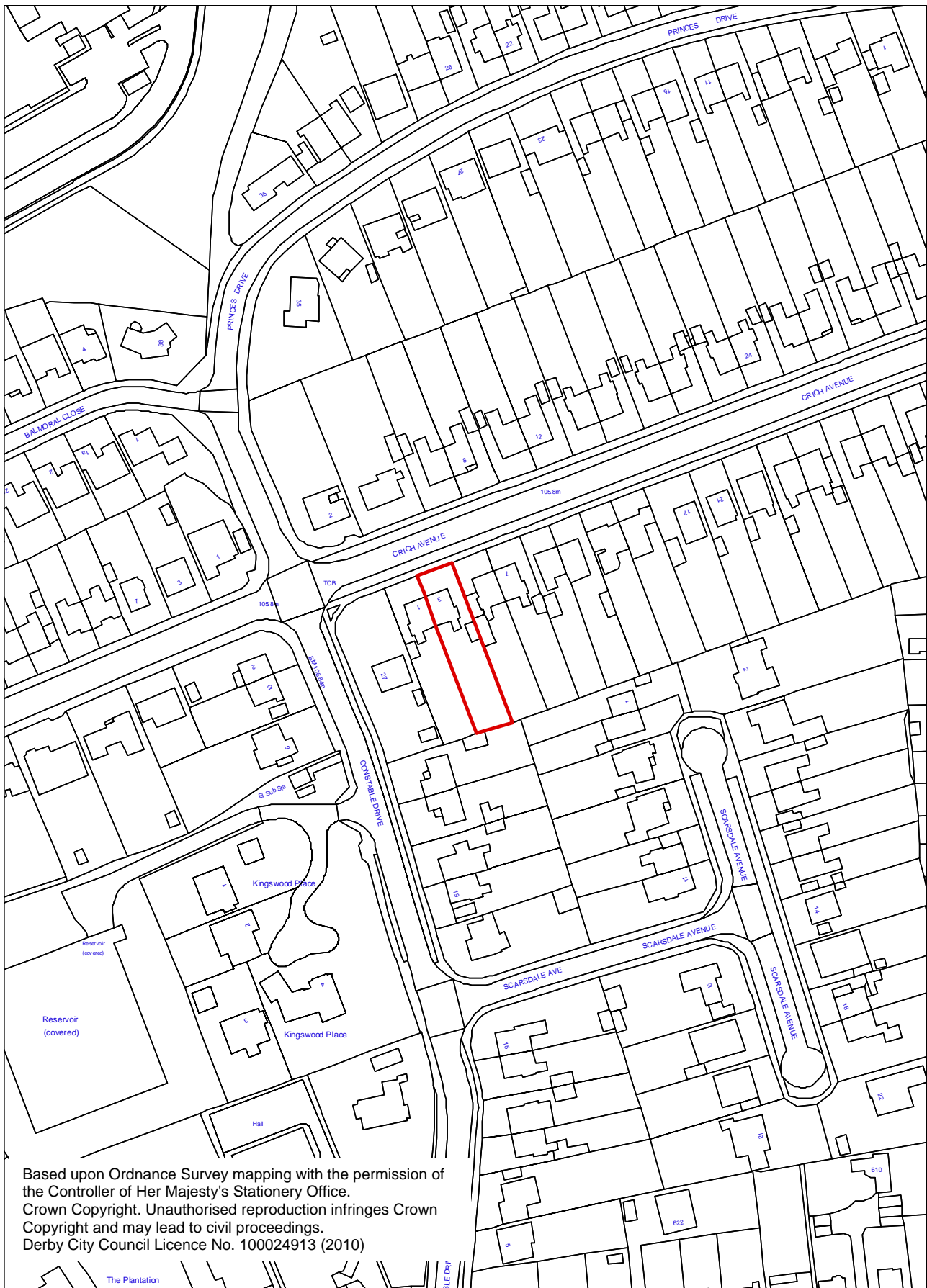
11.5. Application timescale:

The statutory 8 week time period for the application expired 4th October 2010. The application is brought to Committee due to the receipt of 9 letters of objection from neighbouring properties.

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Type: Full



Committee Report Item No: 10

Application No: DER/06/10/00743

Type: Full

1. **Address:** 6 Village Street (Former Sherwood Forester PH)

2. **Proposal:**

Change of use from public house (use class A4) to place of worship (use class D1)

3. **Description:**

The application site sits on the corner of Village Street and St Thomas Road in Normanton. It accommodates the former Sherwood Forester public house which sits in the south west corner of the site. It is an imposing and attractive building that is locally listed. It was built in 1885 as a dwelling as part of the Normanton Estate of the Edge family but was converted into a hotel in 1890. It is understood that the conversion to a hotel was possibly to attract trade specifically from members of the 45th / 95th Sherwood Foresters regiment, whose barracks were nearby. The building is typical of 'Cape Dutch' style with Dutch gables and large imposing chimneys. It is brick built and accommodates projecting bay windows. Externally, the form and decoration of the building is largely unaltered. Internally, the original plan form of the ground floor and some original architectural features remain. The building accommodates a cellar and extends up to three storeys in height.

The land surrounding the former public house is predominately laid to hard surfacing and previously served as car parking. It sits at a raised level some 1.2m above the level of St Thomas Road. There are currently two vehicular accesses into the site, one off Village Street and the other off St Thomas Road. The surrounding area is predominately residential in nature and dwellings extend up to the sites northern and western boundaries.

Planning permission is being sought for the change of use of the site to Gurdwara; a Sikh place of worship. It is proposed to accommodate an existing congregation who would relocate from its current site at 14 St James Road. It is proposed that the site would provide space for a congregation worship hall, a kitchen, educational areas for Sunday school classes, space for community uses associated with the Sikh religion and accommodation for visiting priests.

The design and access statement submitted in support of the application indicates that the existing Gurdwara on St James Road has a current membership of 400 adults. It suggests that all members are not normally in attendance at any one time and it is anticipated that the congregation hall would need to have a floor seating capacity for 350 people. There are no extensions or alterations to the building proposed as part of this application although it is understood that some extension and alteration to the building will be proposed in the future in order that the building and the site can meet the needs of the Gurdwara. The information provided with the application indicates that it is anticipated that an additional 365sqm of floorspace will need to be secured on site in order to meet the future, long term needs of the congregation.

The existing site car park has the capacity to accommodate approximately 60 cars along with large vehicle delivery / coach parking space. The existing accesses into the site are not proposed to be altered as part of this application.

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Type: Full

4. Relevant Planning History:

DER/03/10/00261 – Prior notification for the demolition of the public house – Granted 30/03/10 – it was advised that the Local Planning Authority did not wish to control the method of demolition nor require details of the proposed restoration of the site.

DER/08/98/00992 – Extension to public house (children's room) – granted 16/10/98

DER/06/82/00686 – Display of 1 no. post mounted pictorial sign – granted 01/09/82

5. Implications of Proposal:

5.1. Economic:

The information provided in the application indicates that 3 part time staff would be employed at the Gurdwara.

5.2. Design and Community Safety:

The application concerns change of use of the building only and no external alterations are proposed as part of this application. There are, in my opinion, no significant community safety implications arising from this proposal.

5.3. Highways – Development Control:

The application indicates that coach parking facilities will be provided at the rear of the site via the existing access on Village Street which is considered acceptable. Although turning space is not available to allow those buses to enter and leave the site in a forward gear, it is accepted that vehicles will be able to reverse into the site. The information submitted with the application indicates that this access will be needed for coaches only 2% of the time and accordingly, such provisions are considered acceptable. The siting of the proposed gate on this access has been amended and will be set back 12m to allow a coach to stand clear of the highway.

The provision of cycle storage facilities within the site is welcomed and their location on the site has been amended in order that they are overlooked from the building and near to the entrance which it is hoped will encourage their use. The storage facility should be covered safe and secure to promote greener modes of transport.

The plans indicate the provision of 55 parking spaces on the site in addition to 5 disabled persons parking spaces. Amendments have been made to the layout of the parking areas and the manoeuvring spaces for each of the spaces are considered acceptable. The proposed gates to St Thomas Road are acceptable as they are set back 5m from the highway boundary. The gates are required to open inwards only and not towards the highway.

A Transport Statement has been provided in support of the application and it assesses the likely traffic generation from the site once the building has been extended to fully accommodate the needs of the Gurdwara community. The assessment takes into account the existing needs of the community and the trip generation figures that are likely to result once the site has been developed to fully accommodate the 365 sqm of additional floorspace that it is anticipated will be needed. It is considered that traffic management measures in the form of double yellow lines will need to be provided at the junctions of Sackville Street / Chatham Street and Village Street in order to protect those

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areas from indiscriminate parking once the place of worship is in use. It is intended that a financial contribution for those works will be secured through a Section 106 agreement.

5.4. Disabled People's Access:

The location of the disabled persons parking spaces are considered acceptable.

5.5. Other Environmental:

None.

6. Publicity:

Neighbour Notification Letter	29	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:

In response to this application, 4 letters of objection and 1 letter of support have been received. The nature of the objections raised relate to;

- Large gatherings at the site causing a noise nuisance at unsociable hours
- The multi-purpose use encouraging lots of people to access the site by car thereby increasing noise and levels of activity in the area
- Coaches accessing the site via Village Street will be a problem as it is narrow and is normally lined with parked cars
- The use causing congestion in the area resulting in a loss of safety
- The plans do not show the provision of a lift or disabled persons toilet within the building so the place of worship will not be accessible to the elderly and disabled persons
- Suggestions are made that the site should be used as a children's play area or a barracks museum.

The letter of support has been sent on behalf of the St Thomas' Road Methodist Church. They confirm that they raise no objections to the application and look forward to being neighbours.

These representations have been reproduced in this report

8. Consultations:**8.1. English Heritage:**

Advised that they did not wish to offer any detailed comment on the application but it was recommended that the application should not be determined until a decision had been issued on the listing application that was made on the building. The Local Planning Authority has subsequently received confirmation

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Type: Full

that the Secretary of State has decided not to include the building on the Statutory List of buildings of special architectural or historic interest.

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

GD4	Design and the Urban Environment
GD5	Amenity
S3	Neighbourhood Centres
L11	New Community Facilities
E20	Uses within Buildings of Architectural or Historic Importance
E23	Design
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 application site is located in a neighbourhood centre where saved policy S3 allows for retail uses and other complementary uses serving a local need. It is normally considered that a place of worship would fall into this category. This is subject to the proposal being compatible with the general scale, nature and function of the centre and not detracting from its vitality and viability. This policy also requires that wherever practicable a shop front or display of visual interest is maintained but in this case, such requirements can be discounted given that the application concerns the change of use of a public house. Given that the site does not accommodate any retail uses at present and the public house has closed down, it is considered unlikely that the proposal will impact on the existing vitality and viability of the centre.

Saved local plan policy L11 requires that new community facilities, including places of worship should be well related to the population that they are intended to serve. The information provided in the application confirms that the Sikh population lives close to the site. The applicants have a degree of confidence in the congregation numbers that they have provided and the means by which those members are likely to access the site given that this place of worship is proposed to serve an existing congregation who are moving premises from an existing site, close by on St James Road.

An important consideration in the determination of this application is the implications that the attraction of large numbers of people to the site will have on access and highway safety, the nature and function of the centre and residential amenity.

Some of the concerns that have been raised by the local residents in objection to this application are related to the accesses into the site and the number of vehicles that the use is likely to attract. The applicants have provided detailed information with the application which outlines the different functions that are proposed to take place at the site along with an indication as to how often such a function is likely to occur, the projected number of vehicle trips likely to result and how this will be managed. The site accommodates a large area of car parking and the two vehicular accesses into the site are already in situ. The applicants propose to introduce cycle parking provision and the site is located close to good transport links. With the on street

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parking restrictions in place that are proposed to be secured as part of a Section 106 Agreement, it is considered that the site has sufficient capacity to meet the parking requirements of the proposed use. On this basis, there are insufficient grounds on which objections could be sustained to this application on highway safety grounds.

In considering the increased level of activity that the use will generate in the area, it needs to be borne in mind that the current permitted use of the site is as a public house. It is also within a defined neighbourhood centre where increased levels of activity are normally anticipated. Given the historic nature of the use of the site, there are no conditions in place restricting the conversion of the pub to a retail use, with its associated levels of activity, without planning permission needing to be obtained. It is recognised that there are a number of residential properties in close proximity to the site. In these circumstances however, it is not considered that the place of worship is likely to generate levels of activity likely to result in a significant loss of amenity beyond those that could be generated through the current and permitted uses of this site.

As this application involves the change of use of the site only, no physical alterations to the building itself are being proposed. The submitted layout plan indicates provision of new boundary treatments around the perimeter of the site but no detailed plans have been provided. In these circumstances, a note to applicant should be added to the decision notice to clarify that the permission does not extend to include those works and that they will need to be included in any future applications. Although the building has not been considered worthy of statutory listing it is an attractive and prominent building that was confirmed as a locally listed building in July 2010. It forms an important part of the local streetscape and it is encouraging that a place of worship could provide a long term and viable use for it. It is understood that it has been empty for nearly two years with no interest in its future management as a public house being secured in that time. It would be preferable to see that use maintained but it can be appreciated that the historic form of the building would have housed a use that included an inn, bar and function rooms and that may no longer have a more modern equivalent in this type of non city centre location. In these circumstances it can be appreciated that it may be difficult to continue use of the building with a viable business in the original use. The proposed use of the building as a Sikh place of worship has been demonstrated to be compatible with the form of the building so no overriding objections are raised to this change of use application. However, this does not imply that any future alterations or additions will be automatically supported as any applications to alter or extend the building will have to be judged on their individual merits.

It has been noted that some local residents who have written in objection to this application would prefer to see the site put to alternative uses. It sits within a neighbourhood centre where saved local plan policies support alternative uses such as places of worship and it is considered that the proposed use will provide this locally important building with a long term use. The information provided in the application demonstrates that the access and parking requirements of the Sikh community can be accommodated and given its history and current permitted use, I am satisfied that it should not result in a significant loss of amenity for local residents living nearby. It is for these reasons that I would support this application and conclude that it proposes an acceptable use for this site.

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11. Recommended decision and summary of reasons:

11.1 A. To authorise the Director of Planning and Transportation to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.6 below and to authorise the Director of Legal and Democratic Services to enter into such an agreement.

B. To authorise the Director of 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 9. above. A place of worship is considered an acceptable use of this neighbourhood centre site in residential amenity and highway safety terms. It is not considered that the use is likely to detrimentally impact upon the vitality and viability of the existing centre and it is considered an acceptable use for this historically and locally important building.

11.3. Conditions:

1. Standard condition 03 (Time limit)
2. Standard condition 100 (Approved plans)
3. Notwithstanding the details provided in the submitted plans, precise details relating to the design and siting of the gates proposed for the Village Street and St Thomas' Road accesses shall have been submitted to and agreed in writing by the Local Planning Authority, before the place of worship is brought into use.
4. Precise details relating to the design of the cycle parking shall be submitted to and agreed in writing by the Local Planning Authority. Such provision shall be implemented in accordance with the agreed details and shall be made available for use before the place of worship is brought into use.

11.4. Reasons:

1. Standard reason E56
2. Standard reason E04
3. To enable the Local Planning Authority to exercise control over the design of the gates in the interests of ensuring a satisfactory external appearance of the development and in the interests of highway safety. This is in accordance with policies E23 and T4 of the adopted City of Derby Local Plan Review.
4. Standard reason E35...policies E23 and T4

11.5. Informative Notes:

The applicants are advised that this planning permission grants approval for the change of use of the site only. It does not extend to include permission for the erection of new boundary treatments as full details for those proposals were not included in the application submission. The applicants are advised to discuss with the Local Planning Authority proposals for those boundary

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Type: Full

treatments given that their siting, it is likely that they will require a separate grant of planning permission.

11.6. S106 requirements where appropriate:

Contributions towards public art and traffic management measures.

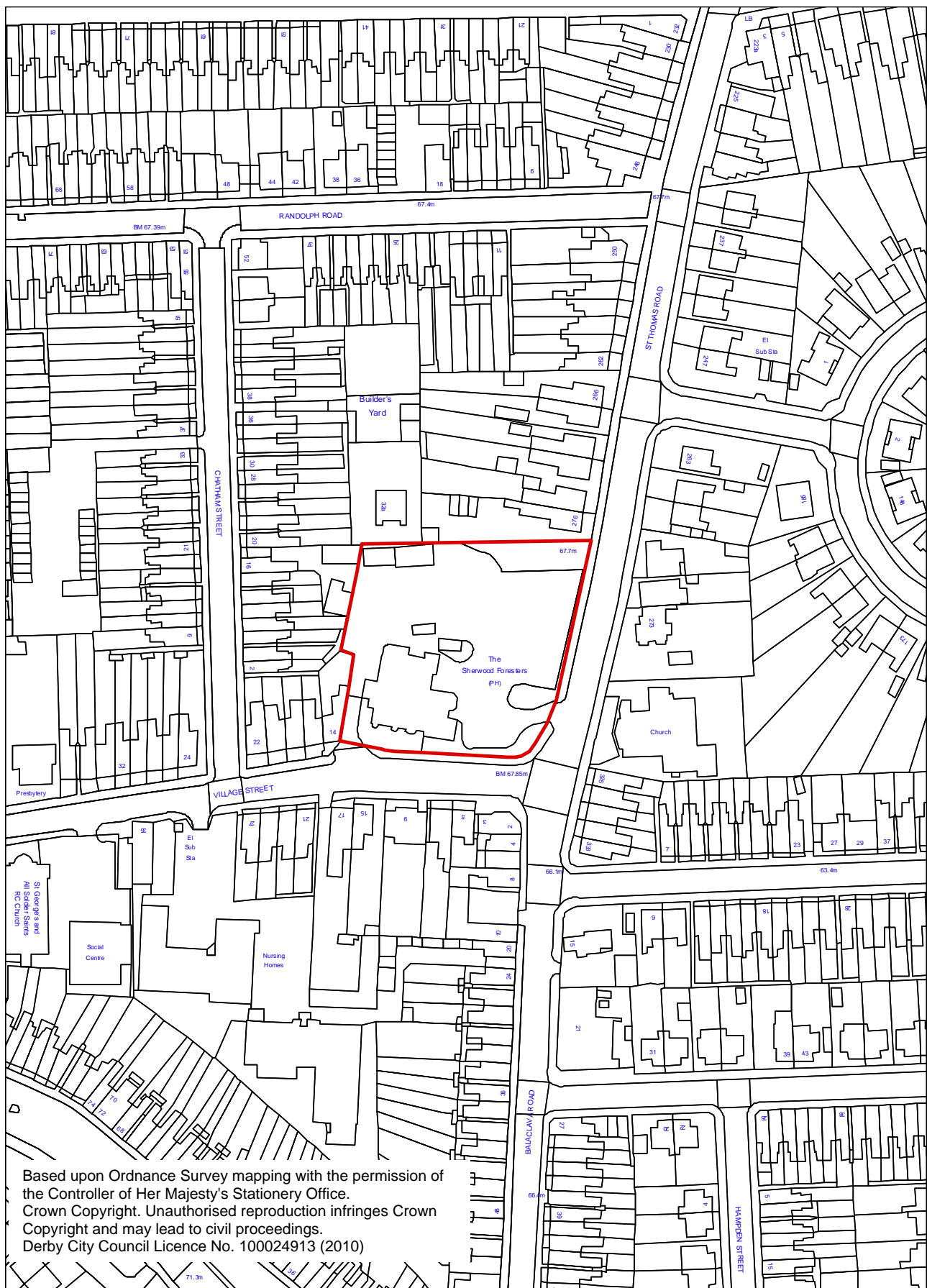
11.7. Application timescale:

The deadline for the determination of this application has expired due to the absence of a Transport statement in the initial submission.

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Type: Full



Enclosure

Sara Coupe, Senior Planning Officer

273 St Thomas Road

Derby City Council

Derby, DE23 8RL.

Roman House

Friar Gate

Derby, DE1 1XB

Dear Ms Coupe

28 JUL 2010	
619743	
26 th July 2010.	
AB-2	ON NB
REFUSED	See

Application number DER/06/10/00743/PRI – 6 Village Street, Derby.

I received the consultation letter regarding the above planning application on my return from holiday and as I do not have a computer could not gain access to view the plans until last week when I called at your office. I was told that although the deadline date for comments on the proposals was the 21st July I could submit my views this week and they could still be considered.

While I do not have a fundamental objection to the proposed change of use of the former Sherwood Forester public house to a place of worship I do have several concerns regarding the effects of usage of the site in the future.

The main concern I have as I live directly opposite the building, is noise levels which may occur at unsociable hours during large gatherings which are scheduled to take place quite frequently. The events mentioned on appendix C do not state whether any are outdoor events which would particularly cause a potential problem in this respect.

As the building will be a multi purpose facility a high percentage of people using it are expected to arrive by car with resulting associated noise and increased vehicular activity in the area. Coaches could also cause congestion particularly if using Village Street which is a narrow road with cars parked on the street by residents which may mean coaches would not have the space required to negotiate the entrance to the parking area.

I would appreciate it if these concerns could be taken into account when discussing the change of use application.

Yours sincerely

Enclosure

Neighbour comments for Planning Application 06/10/00743

Site Address: 6 Village Street, Derby (Former Sherwood Forester Public House)

Comments received from: Mr singh, 2 harrington st

Type of Response: OBJE

Comments:

i would like to OBJECT to this planning application as i feel, this would cause a lot of congestion in this area and would cause a lot of accidents. i think this building would suit being made into a children's play area.

Does not wish to speak at committee.

Date Comments Accepted: 07/07/2010



Enclosure

Neighbour comments for Planning Application 06/10/00743

Site Address: 6 Village Street, Derby (Former Sherwood Forester Public House)

Comments received from: mr andrew johnson, 47B addison road

Type of Response: OBJE

Comments:

i noted there was no lift in propsed plans because if church providing hall upstairs because oap or disabled wishes go upstairs but unable to do its should have lift installed and also the planner didn't draw out the disabled access inside of building - for example there was no disabled toilet on plans which its shows a poor access for wheelchairs who wants to use toilets so i would object this cause disabled access is not shown on plans - only inside the building

Does not wish to speak at committee.

Date Comments Accepted: 08/07/2010



Enclosure

Neighbour comments for Planning Application 06/10/00743

Site Address: 6 Village Street, Derby (Former Sherwood Forester Public House)

Comments received from: miss riley, 276 st thomas rd

Type of Response: OBJE

Comments:

i do not wish this application to go ahead i live next door and would like this space to be used as a barracks museam

Does not wish to speak at committee.

Date Comments Accepted: 12/07/2010



Enclosure

Neighbour comments for Planning Application 06/10/00743

Site Address: 6 Village Street, Derby (Former Sherwood Forester Public House)

Comments received from: St Thomas' Road Methodist Church St Thomas' Road Methodist Church, St. Thomas Road Methodist Church

Type of Response: SUPP

Comments:

St Thomas' Road Methodist Church members and friends who are located exactly opposite the Sherwood Foresters, have no objection to this planning application and look forward to being 'neighbours'.

Does not wish to speak at committee.

Date Comments Accepted: 23/07/2010



Committee Report Item No: 11

Application No: DER/09/08/01276

Type: Full

1. **Address:** Site of 73 Field Rise, Littleover.

2. **Proposal:**

Demolition of bungalow and erection of detached dwelling house.

3. **Description:**

Full planning permission is sought to demolish the existing chalet style bungalow on this site and erect a detached two storey dwelling house with integral garage. The application site is located on the south-east facing side of Field Rise and it has residential neighbours on both sides and bounds Sunnydale Park to the south. The site is also located opposite the junction with Orchard Close. Orchard Close is a relatively small development of properties which principally sit behind the main frontage of properties on the north-west facing side of Field Rise. Some Members may be familiar with the built character of Field Rise. Parts of the south western leg of Field Rise have been incrementally developed in the recent past and it accommodates some imposing suburban style residential dwelling houses. The part of Field Rise that includes the application site almost forms a transition between those recent residential developments and the more established parts of Field Rise up to its junction with Willson Avenue. This transition in layout and form can be appreciated from the submitted Ordnance Survey site location plan. Land levels on Field Rise fall noticeably from the recent developments on the south-western leg through the application site and beyond.

The siting of the front elevation of the proposed dwelling house, as amended during the life of this application, would be sited on the line of the most forward part of the existing chalet bungalow. The proposed dwelling house would be sited approximately 2.45m from the side boundary with the neighbour at no. 71 at its nearest point and, given the tapering form of that boundary, approximately 3.25m at its widest point. The proposed dwelling house would be sited a maximum of 1.5m from the opposing side boundary with the neighbour at no. 75 and that particular neighbour accommodates a single storey double garage element nearest to the boundary. The proposed dwelling house has a fairly regular footprint which has an external depth of approximately 10.3m and an overall breadth of approximately 11m. The proposed front elevation design accommodates a gable on either side with a smaller recessed 'eye brow' gable sited above the centralised front door. The proposed front elevation ground level design accommodates a conventional garage door on the western side with a modest bay window to serve the proposed lounge on the other side of the front door. The proposed roof style would be a split hipped and gable design to accommodate the rear elevation form which has two storey double gables with a central valley. The characteristics of the roof form can be gleaned from the roof plan. The proposed dwelling house has been designed to confine all the habitable accommodation windows to the principal front and rear facing elevations. The proposed ground level internal layout accommodates a lounge and garage on either side of the entrance hall with a combined breakfast room / kitchen and dining / study served by rear elevation French doors and windows. The proposed first floor accommodation includes two front bedrooms on either side of the main landing served by front elevation windows and three rear bedrooms served by rear elevation outlook. The only accommodation served by side elevation outlook is a single ensuite at first floor level on the side facing no. 71 and a first floor bathroom on the

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Type: Full

opposing side facing no. 75. The agent has indicated that both of those windows would be obscure glazed.

The original layout included a new vehicular access onto Field Rise on the east side of the front boundary adjacent to the side boundary with no. 71. This vehicle access has since been removed from the scheme as illustrated on the amended layout plan which was received in June 2009. The original block plan also included the provision of a patio area at the rear of the proposed dwelling house and the latest revised details (received on 31 August 2010) illustrate the extent of that patio area.

4. Relevant Planning History:

DER/01/07/00079 - Demolition of bungalow and erection of detached dwelling house – permission refused on 9 March 2007.

DER/06/07/01057 - Demolition of bungalow and erection of detached dwelling house – permission refused on 26 July 2007.

DER/05/08/00745 - Demolition of bungalow and erection of detached dwelling house – permission refused on 29 July 2008.

5. Implications of Proposal:

5.1. Economic:

-

5.2. Design and Community Safety:

The proposed replacement dwelling house would be located in a built context that accommodates a number of house types of varying styles. I am, therefore, satisfied that the layout and elevational style of the proposed dwelling house is acceptable in this built context. In terms of community safety issues the proposed dwelling house would front Field Rise and its principal accommodation would overlook its own private drive and fronting highway. The Police ALO has not been asked to comment on this proposal but I am satisfied that the layout of the development is acceptable as it provides defensible space at the front which is clearly private space and it provides a frontage which would provide active surveillance of the public highway.

5.3. Highways – Development Control:

My officers raise no objections to the proposal which no longer includes the provision of a second access onto Field Rise. Given the concerns of neighbouring residents about that issue I recommend that a condition be attached to any permission to preclude the creation of a second access in the future.

Highways – Land Drainage:

The comments of my colleague are as follows:

1. The site is presently occupied by a bungalow. We are not aware of any drainage system on the site to deal with surface water drainage at the present time therefore it may be possible that surface water is currently drained to soakaway systems. There are both foul and surface water

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sewers nearby therefore it is likely that the property has a connection to the local foul sewer network.

2. The surface water drainage from the site should be dealt with using Sustainable Urban Drainage techniques as required under the guidance published in PP825. Examples of such techniques include rainwater harvesting, grey water recycling, the use of permeable pavements, soakaways and drainage discharge to garden areas where it may infiltrate naturally into gardens.
3. The proposals for the site drainage should be submitted to and approved by the Land Drainage Team prior to any commencement of redevelopment on the site and should include sufficient site investigation, testing and calculations required to demonstrate the effectiveness of the design solution chosen for this development.

In this regard we object to the redevelopment at this property until such time as we can be satisfied that the redevelopment will not increase the flooding risk elsewhere.

Highways – Structures:

-

5.4. Disabled People's Access:

-

5.5. Other Environmental:

In accordance with PPS9 (Biodiversity and Ecological Conservation) and the recommendations of Derbyshire Wildlife Trust (DWT) a protected species assessment has been completed on behalf of the applicant. The application site is located immediately adjacent to the Local Wildlife Site (DE034) Sunnydale Park which is noted for its habitat mosaic. There is also a bat record for pipistrelle bat recorded in 2000 some 480m south-west of the application site. DWT requested the additional information on the grounds that protected species, such as bats, may be roosting in the existing bungalow and / or any vegetation on-site.

The submitted assessment is based on an analysis of the appropriate data for the site and a site visit was carried out to gauge the existence of any protected species in accordance with established methodologies. The site was inspected for a host of flora and fauna and it is recommended that a further dusk emergence survey is completed during the main bat breeding season given evidence of bat activity on part of the rear elevation of the existing bungalow.

In accordance with PPS9, associated EC Directives and planning case law the existence of any protected species on the site is a material consideration and needs to be established and addressed before any planning permission is granted.

As a result of consultations with DWT and Natural England (NE) the following evidence was provided after further on-site studies were carried out:

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No bats were seen or heard during the morning re-entry survey. One bat was seen to enter the building approximately 2 hours after sunset during the evening emergence survey. No detection was heard, though only Pipistrelle bats had been heard earlier in the evening and therefore it was considered likely to be a Pipistrelle bat that either was not echolocating or was too far away from the bat detector to be heard.

Given that no other bats were seen to enter or exit from the building at any time during the emergence/re-entry surveys, it was considered that the building was likely to act as an occasional night time perch for a single bat and that a Natural England site licence would not be required for the development to proceed. However, to ensure compliance with wildlife legislation the following precautionary measures should be undertaken:

- Works should be timed to avoid times of high risk to bats. This would likely be over winter as it is unlikely that bats would hibernate within the building.
- A suitably licensed Ecologist should be on site during the hand removal of roofing tiles and hanging tiles. Should any bats be found, works in that area should cease and the Ecologist consulted on how to proceed lawfully.
- A replacement, potential roost feature should be provided on the new property to consist of either hanging tiles with potential access for bats or bat entry tiles into the space between roof tiles and lining which should be designed to be suitable for bats.

With these measures undertaken the potential risk of harm to bats should be negligible and the development could proceed lawfully.

Further assessment of the pond and its surroundings resulted in a low likelihood of Great Crested Newt presence and therefore the development was considered unlikely to impact upon Great Crested Newts, a letter will be provided to further explain these findings. That letter has yet to be received and any further comments from DWT and NE about the issue of Great Crested Newts on this site will be reported orally. Both DWT and NE are satisfied with the approach employed relative to bat investigations.

6. Publicity:

Neighbour Notification Letter	8	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, as amended, has attracted strong objections from residents who live adjacent to and opposite the site. The application has also attracted objections from all of the local ward members. Some of the objectors have provided detailed and

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lengthy objections to the application, as amended, and during the life of the application the case officer has visited the site on number of occasions. He has also inspected the proposal from the neighbouring site, no. 71, and met with those neighbours. On one occasion the case officer met with the neighbours at no. 71 and the agent was also present at the meeting.

As indicated the objectors have submitted lengthy objections to the application, as amended, and I have sought to summarise their principal concerns under the bullet points below. The representations are also available via the web link below and copies of the representations will be available before the meeting.

<http://eplanning.derby.gov.uk/acolnet/planningpages02/acolnetcgi.gov?ACTION=UNWRAP&RIPNAME=Root.PgeDocs&TheSystemkey=86765>

- The principle of the demolition of an existing bungalow which is considered to be of sound and viable construction;
- The scale, form and visual impact of the proposed dwelling house within the context of the street-scene;
- The issue of vehicular access and the dangerous nature of the Field Rise carriageway which narrows at the front of the application site;
- The impact of the proposed development on the neighbours at no. 71 in terms of scale, privacy and amenity impact;
- The accuracy of the drawings and the inconsistency of approach, in terms of labelling drawings and the provision of certain information, by the agent during the life of the application;
- Drainage issues and the impact of the proposed development on existing land drainage conditions in the area;
- The planning site history and the previous refusals that have been issued.

These representations have been made available in the Members Rooms.

8. Consultations:

8.1. Derbyshire Wildlife Trust:

Please refer to part 5.5 of this report.

8.2. Natural England:

Please refer to part 5.5 of this report.

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

GD4	Design and the urban environment
GD5	Amenity
H13	Residential development – general criteria
E7	Protection of habitats
E8	Enhancing the natural environment
E10	Renewable energy
E23	Design
T4	Access, parking and servicing
GD3	Flood protection
GD8	Infrastructure

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PPS3 Housing
PPS9 Biodiversity & Ecological Conservation

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:

Principle of development:

The proposal seeks to demolish an existing bungalow and erect a replacement dwelling house. There are no over-riding saved policy objections to such a proposal and, in a residential context, the issues of design detail are at the fore of the decision making process.

Previous applications and comparisons:

The application, as amended, has been submitted following three previous refusals for the demolition of the existing bungalow and the erection of a replacement dwelling house on the site. For Members reference the three reasons for refusal are included below:

1) The proposed house type, by reason of its height and considerable massing in close proximity to the site boundary compounded by the significant difference in ground levels would be seriously detrimental to the amenities currently enjoyed by the adjacent residents in No's. 71 and 75 Field Rise. The proposed building is considered to be over dominant particularly in relation to the curtilage of No. 71. As a result the proposal would be contrary to the provisions of policies GD5 and H13 of the adopted City of Derby Local Plan Review.

2) The proposed house type, by reason of its height and considerable massing in close proximity to the site boundary compounded by the significant difference in ground levels, would be seriously detrimental to the amenities currently enjoyed by the adjacent residents in No's. 71 and 75 Field Rise. The proposed building is considered to be over dominant particularly in relation to the curtilage of No. 71. As a result the proposal would be contrary to the provisions of policies GD5 and H13 of the adopted City of Derby Local Plan Review.

3) The proposed house type, by reason of its height and considerable massing in close proximity to the site boundary compounded by the significant difference in ground levels, would be seriously detrimental to the amenities currently enjoyed by the adjacent residents in No's. 71 and 75 Field Rise. The proposed building is considered to be over dominant particularly in relation to the curtilage of No. 71. As a result the proposal would be contrary to the provisions of policies GD5 and H13 of the adopted City of Derby Local Plan Review.

The applicant's agent has sought to address these reasons for refusal and, as amended, the design of the proposed dwelling includes the following components:

1) The layout of the proposed dwelling house sits between approximately 2.45m and 3.25m from the side boundary with the two storey neighbouring property at no. 71. The side boundary tapers away from the proposed dwelling house hence the difference between the dimension at the front corner of the proposed dwelling and

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the dimension at the rear corner. (The existing bungalow sits between approximately 1.6m and 2.2m respectively from that boundary). The last application refusal (code no. DER/05/08/00745) proposed a building layout that would have been between approximately 1.1m and 1.7m respectively from that side boundary. The second application refusal (code no. DER/06/0701057) proposed a building layout that would have been between approximately 1.0m and 1.75m respectively from that side boundary.

2) The layout of the proposed building sits between approximately 1.45m and 1.50m from the side boundary with the two storey neighbouring property at no. 75. The previous two application refusals proposed a building layout that would be within approximately 1.1m from that boundary. It is also important for Members to note that the nearest part of the dwelling at no. 75 to the side boundary is a single storey double garage element. The main part of that neighbouring dwelling sits approximately 6m away from the side boundary at its nearest point. Given the layout of no. 75 the main part of the dwelling at its farthest point sits approximately 7.5m from the side boundary.

3) The footprint of the proposed dwelling house has been re-sited to align with the most forward part of the existing bungalow and the proposed rear elevation would broadly align with the rear elevation of the neighbour at no. 71.

4) The proposed roof ridge height of the dwelling house from ground level would only be marginally higher than that of the existing bungalow. The agent has submitted a street-scene elevation, including nos. 71 and 75, to illustrate that the height of the proposed dwelling house would be in keeping with those neighbouring properties. The maximum height of the proposed dwelling house from ground level is also approximately 0.8m lower than the respective height proposed in the previous two application refusals.

5) The proposed dwelling house only accommodates two secondary windows (one on each side elevation) and the principal habitable accommodation is served by front and rear elevation windows. This is best practise to avoid the issue of direct overlooking from side elevation windows serving habitable accommodation.

In relation to the provisions of saved policy H13 (criteria a – e) I am satisfied with the content of the amended application. I have addressed the individual criterion laid down in saved policy H13 in turn:

a) The proposal is not a form of backland or tandem development but a straightforward replacement of a dwelling on a residential plot.

b) The minimum density criterion in H13 has been overtaken by the revised wording in PPS3 and is not a principal material consideration in this case.

c) The proposed dwelling house would enjoy a south-east facing aspect and a number of habitable rooms on the rear elevation would enjoy that aspect. A central part of the proposed roof at the rear could also possibly accommodate solar panels or photovoltaic cells to take advantage of the favourable aspect.

d) The proposed dwelling is reasonably sited to maximise the potential of the plot and to reasonably respect the neighbours, particularly those at no. 71, in layout, massing and scale terms. Field Rise is not a regimented street-scene in terms of the layout,

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scale and architectural style of dwelling houses. With reference to the dwelling houses at nos. 75 – 81 (inclusive) to the south-west of the site and the more modest scale neighbours to the north-east of the site, I consider that the layout and form of the proposed dwelling house is reasonable in this context and would add variety to this part of the street-scene.

e) The proposed layout of the dwelling house would provide a front driveway threshold and a private rear garden area. I am satisfied that future occupiers would have good standards of privacy and amenity, particularly at the rear, and the proposed dwelling would provide good natural surveillance at the front to serve the street-scene.

In relation to generic policy GD5 I consider that the application, as amended, is a reasonable form of development in its context in terms of layout, scale, massing and overlooking considerations. Therefore, subject to safeguarding conditions relative to vehicle access and residential amenity, I consider that the application should be granted planning permission.

11. Recommended decision and summary of reasons:

11.1. To grant planning permission with conditions.

11.2. Summary of reasons:

The proposed development is an acceptable form of development in term of its layout, scale and architectural style in this particular street-scene context and in relation to the layout and scale of the immediate neighbours on either side of the application site. The local planning authority is also satisfied that the proposed dwelling house is a reasonable form of development, in relation to the amenities enjoyed at nos. 71 and 75, in scale, massing and overlooking terms.

11.3. Conditions:

1. Standard condition 03 (plan numbers)
2. Standard condition 100 (time limit)
3. Standard condition 19 (means of enclosure)
4. Standard condition 38 (drainage)
5. The development as approved shall be served solely by the existing vehicle access to the site, as shown on plan nos. 30/04/08/01 Rev. C and 30/04/08/02 Rev. D, and no additional vehicle accesses shall be created from Field Rise.
6. The development hereby approved shall be carried out as follows:
 - Construction works shall be timed to avoid times of high risk to bats.
 - A suitably licensed Ecologist shall be on-site during the hand removal of roofing tiles and hanging tiles. Should any bats be found, works in that area shall cease and the Ecologist consulted on how to proceed lawfully.
 - A replacement potential roost feature shall be provided on the new dwelling to consist of either hanging tiles with potential access for

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bats or bat entry tiles into the space between roof tiles and lining which shall be designed to be suitable for bats. Precise details of the replacement roost feature shall be submitted to and approved in writing by the Local Planning Authority before the dwelling is occupied.

7. Standard condition 27 (materials).

11.4. Reasons:

1. Standard reason E04
2. Standard reason E56
3. Standard reason E14...saved policies GD5 / H13
4. Standard reason E21...saved policy GD3
5. Standard reason E04 & E17...saved policies GD5 and T4
6. In the interests of safeguarding any protected species on-site and in the interests of general environmental amenity and saved policies E7 and E8 of the adopted City of Derby Local Plan.
7. Standard reason E14...saved policies GD5 and H13.

11.5. Informative Notes:

The developer should be aware that, in relation to condition 3, attention should be devoted to providing suitable boundary treatments on the full length of both side boundaries to safeguard the privacy of neighbouring occupiers. In relation to condition no. 6 the developer should retain the services of their ecologist and any information about the timing of development works etc should be sought from DWT or NE.

11.6. S106 requirements where appropriate:

Not applicable.

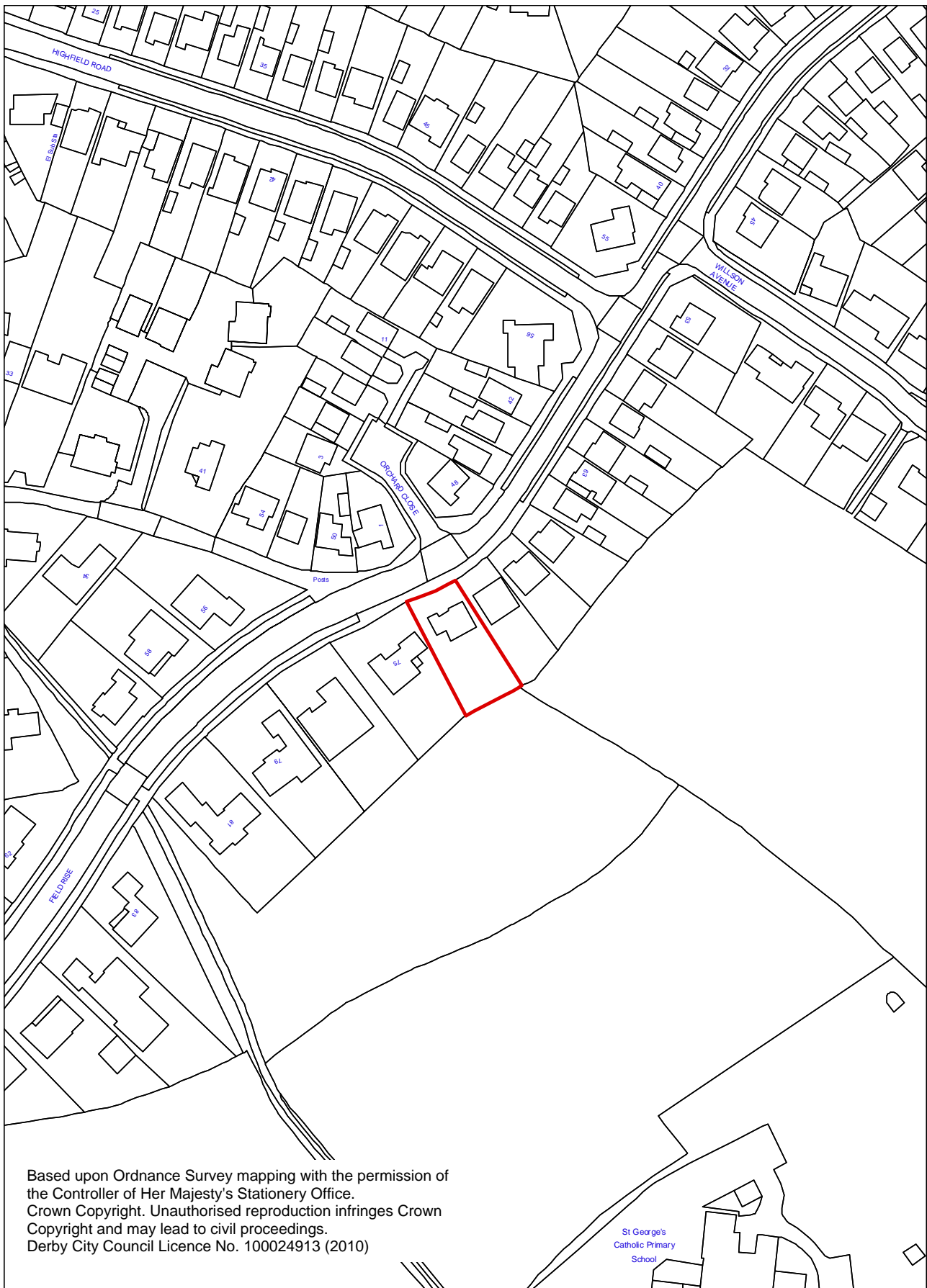
11.7. Application timescale:

The application is beyond the statutory determination period as negotiations have been ongoing regarding design and layout amendments to the proposal. Survey work relative to protected species issues have been carried out and the Council has had to exercise its responsibilities in relation to PPS9 and the relevant EC Directives.

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Application No: DER/09/08/01276

Type: Full



Committee Report Item No: 12

Application No: DER/10/09/01267

Type: Full

1. **Address:** Site of the Asterdale Leisure Centre, Borrowash Road, Spondon
2. **Proposal:**
Change of use and extension of Leisure Centre (Use Class D2) to offices (Use Class B1) and formation of access road and car parking

3. **Description:**

Members may recall this application, and the one following on the agenda, from the meeting in February when these proposals were originally considered. Despite Members resolving to grant planning permission for both of these applications the permissions have not yet been issued, due to lengthy negotiations regarding the Section 106 Agreement. I am reporting these applications back to this committee at the suggestion of the Local Government Ombudsman who is investigating a complaint from a local resident. The Ombudsman is considering whether the Committee resolution was flawed because of shortcomings in the consideration given to the effect on the residential amenity for Stoney Lodge. On this matter the Ombudsman, in a provisional view, has expressed reservations about the consideration of such issues.

To help address these concerns the Ombudsman suggests that the matter might be reconsidered by the committee. In summary the points of concern relate to:

- The assessment of the effect on the residential amenity. The assertion that the proposed office use would have no more impact than the existing leisure centre use, takes no account of the proposed alterations which would replace a relatively featureless elevation with a wall of windows looking towards Stoney Lodge. There does seem to be some possibility that Members of the Committee may not have appreciated this fact.
- The distances stated by the presenting officer were at odds with those quoted by the complainant and therefore the possibility exists that members of the Committee may have been influenced by repeated references to a greater separation.
- It would have been helpful that photographs displayed at Committee showing the leisure centre taken from the garden of Stoney Lodge on a previous scheme should have been displayed to fully inform members of the committee.

As a result of this provisional assessment I have decided to re-present the report, along with photographs and to clarify the distances between the properties.

This is one of two applications, currently being processed, for the site of the former Asterdale leisure centre and social club and sports fields, off Borrowash Road, Spondon. They have been submitted by the same applicant as the planning application, ref: DER/01/09/00084, for demolition of buildings and erection of office development, which was considered by this Committee in June 2009. The latter application was subject to a call – in by the Secretary of State, under the Green Belt Direction, as new development contrary to Green Belt policy. A public inquiry date had been set for February, to examine the proposal, although the application was subsequently formally withdrawn and the inquiry cancelled.

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Type: Full

The current applications are both on this agenda for consideration by Members. This proposal is for change of use and extensions to the former leisure centre buildings to form office accommodation (B1 use). The proposed extensions would add approximately 800 square metres in floorspace to the existing buildings, forming a total of 2250 square metres of office space. A two storey extension would be added to the south east gable of the main building, approximately 8.5 metres in length and 17.6 metres deep. It would have a flat roofline, matching in with the height of the existing building. A further two storey extension would be formed on the north west corner at the rear of the building to link an existing flat roof annex with the main building. The link would be approximately 4 metres x 7 metres in area and two storeys in height. There are existing single storey extensions and annexes to the main building, which would be extended upwards to form a two storey building of similar overall height, at approximately 7.8 metres, with an existing central section at a height of 9.4 metres. The resulting building would all be two storey, with a flat roofline. Various external alterations would be made to the façade of the building, to include extensive areas of glazing and a mix of facing brickwork and render.

The proposal would also include formation of a new access road around the southern edge of the site to serve a designated parking area for the users of the sports pitches and bowling green. A coach lay-by would be provided on the access road for the sports users. A car park for the office use of up to 56 spaces, with 3 disabled spaces would be provided with servicing and cycle store adjacent to the building. The area around the building would also be landscaped with additional planting.

4. Relevant Planning History:

DER/01/09/00084 – Demolition of leisure centre buildings, erection of offices (B1 use) and formation of access road and car parking, referred to Secretary of State with resolution to grant permission in June 2009. Application withdrawn – January 2010.

DER/10/09/01268 – Change of use of leisure centre buildings to offices (B1 use) and formation of access road and car parking, current application on this agenda.

5. Implications of Proposal:

5.1. Economic:

The proposed office use is intended to provide a new headquarters for the applicant, a local telecom company with existing premises on Bateman Street in Derby. The application does not specify employee numbers for this proposal, although the use would allow employment retention and generation in the city.

5.2. Design and Community Safety:

The proposed extensions and alterations to the former leisure centre buildings are considered to represent an enhancement to the appearance of the building. There would be an increase in massing and scale, although it would not be so significant and the general form and layout of the existing built form would be retained. The design of the resulting building would be of a high quality, complemented by the associated landscaping and surfacing works.

The vacant leisure centre site currently suffers problems with anti-social and criminal activity. The proposed re-use of the buildings on the site for employment use would be a means to secure the whole site for both the staff

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and the sports and leisure uses. Under the proposals the office use would be in an enclosure with a gated access and would be separated from the sports facilities and access road by security fencing. An entrance gate would be maintained at the Borrowash Road junction.

5.3. Highways – Development Control:

Visibility at the existing access appears to be acceptable for the proposed use. The level of proposed car parking for the offices is also appropriate in this location and in line with the Council's Parking Standards. Car parking is also to be provided for the sports facilities, although some overspill parking is likely to be required for days of high attendance and it would be appropriate on the office car park outside working hours. An outline Travel Plan has been submitted and a more detailed Plan would be required, which can be secured by condition. Further details of a scheme of overspill parking can be secured by an appropriate condition.

Highways – Land Drainage:

Insufficient drainage and flood risk information has been provided to properly assess the drainage impacts of the proposal. Details of the drainage design for the scheme should be provided and any site infiltration testing, which has been done. These details should be secured and agreed by an appropriate planning condition.

5.4. Disabled People's Access:

An appropriate amount of disabled people's parking would be provided for the office use.

5.5. Other Environmental:

The application relates to the buildings and land to the south west corner of the site, which is primarily hard surfaced or has existing buildings. There is mature hedgerow and tree cover around the perimeter of the site. Abutting the entrance and the western boundary are established mature hedges and various trees, including a group of 3 Birch trees, which surround the car park to the former leisure centre. Only a Lime tree in this group is of particular merit. The Birch trees are proposed for removal to accommodate the new access road. Along the southern boundary and on an adjoining property is a group of large mature Poplar trees, which overhang the site. The proposed access road to the sports facilities would run close to these trees, although long term retention would be achievable by appropriate method of ground/surfacing material within the root protection area of the group, detailed in the submitted method statement. These tree protection measures would be secured by an appropriate condition.

6. Publicity:

Neighbour Notification Letter	46	Site Notice	
Statutory Press Advert and Site Notice	Yes	Discretionary Press Advert and Site Notice	
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:

Four letters of objection have been received and one of support. An objection has also been received from Councillor Berry. The main issues raised are as follows:

- Industrial use is inappropriate in the Green Belt.
- Existing community uses on the site should not be lost to other forms of development. It should be protected under Policy L12.
- There is an over supply of commercial land in the city.
- The buildings are a community facility, which should be protected from this proposal.
- Impact of noise and fumes from traffic generated by the proposed use.
- Increase in traffic hazards on Borrowash Road during peak times.
- Inadequate levels of car parking for the office proposal.
- Applicant's traffic assessment contains inaccuracies.
- The proposal would allow sports clubs to maintain pitches and possibly improve facilities.

These representations have been reproduced in this report.

8. Consultations:

8.1. Building Consultancy:

The extensions would be accessible by compliance with Building Regulations.

8.2. Natural Environment (Tree Officer):

The Birch trees are shown for retention as part of the scheme and on this basis a specific Arboricultural Method Statement should be submitted for no dig surfacing. The Tree Protection Plan is acceptable; although consideration should be given to siting of access road in relation to nearby Poplar trees. No objections subject to these issues being addressed.

8.3. Environmental Services (Trees):

Agree with comments of Tree Officer. If applicant wishes to retain group of 3 Birch trees a specific Arboricultural Method Statement should be provided detailing no-dig surfacing to be used. No objection to removal of these trees and replacement with suitable tree species.

8.4. Environmental Services (Sport & Leisure):

No comment

8.5. Environmental Services (Health – Pollution):

Recommend remediation scheme is secured by a suitable condition.

8.6. ENV Agency:

No objections in principle, provided that conditions are attached for provision of satisfactory surface water drainage scheme, based on sustainable drainage principles and assessment of hydrological and hydrogeological context of the development. It should include details of how the schemes are to be maintained and managed after completion.

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8.7. Police Liaison Officer:

The site should be brought back into use due to misuse and anti-social behaviour. The premises are frequently subject to crime and damage to property. Support the basic principles of re-use of the main buildings and enhanced recreational facility, through increased activity and management of the site.

Proposed access contributes to activity, surveillance and security of the site. Welcome the separation of two diverse areas and space division. The proposed bollard lighting should be supplemented by adequate lighting around the site.

8.8. Erewash BC:

No comments

8.9 Government Office for the East Midlands:

Initially GOEM on behalf of the Secretary of State issued a 'holding direction' given their concerns and potential involvement in the larger DER/01/09/00084 scheme which Members had resolved to approve. Following further detailed consideration of the latest reduced scheme the Secretary of State concluded that there is not sufficient reason to warrant calling in the application – the issues raised do not relate to matters of more than local importance, and decided that the decision whether or not to grant planning permission will remain with Derby City Council.

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

GD2	Protection of the environment
GD3	Flood Risk
GD4	Design and urban environment
GD5	Amenity
EP13	Business and industrial development in other areas
E1	Green Belt
E10	Renewable energy
E17	Landscaping schemes
E23	Design
E24	Community safety
T1	Transport implications of new development
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:

Green Belt policy

The former Asterdale leisure centre buildings and sports pitches are located within the Green Belt, which extends along the eastern edge of Spondon. Proposals in the Green Belt are considered under PPG2 and Policy E1 of the Local Plan. The

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development of offices on the site, which has now been withdrawn, would by definition be inappropriate development in the Green Belt and only permissible by showing very special circumstances to justify a departure from the policies. There were considered to be those special circumstances to support re-development of the existing buildings, based on the need to secure the sports and recreational use of the overall site. That scheme is not now being pursued.

The current proposal represents an alternative means of providing office accommodation on the site, for the same applicant and with the similar commitment to support the existing sports facilities.

The proposed change of use of the main building to offices would in principle be appropriate under Green Belt policy. PPG 2 states that re-use of buildings should not prejudice the openness of Green Belts, since it enables the retention of existing buildings and avoids long term vacancy and dereliction. The viable re-use of a vacant building is not inappropriate under this policy, subject to specific criteria. The proposed use should not have a materially greater impact than the previous use, in this case, a leisure centre and social club, on the openness of the Green Belt. Strict control should be exercised over the amount of extensions to a re-used building, to ensure that the resulting building would not have an undue visual impact on the Green Belt. The proposed offices would involve an extension to the existing building, with a relatively limited footprint of about 150 square metres. The overall increase in floorspace would be approximately 680 square metres, which is an addition of about 43%. The exterior of the building would be re-clad and the height maintained at two storeys, in line with the existing built form. Whilst the bulk and scale of the buildings would be increased as a result of the extensions, the impact of the development on the visual amenities and openness of the Green Belt is not considered to be harmful. The level of activity associated with the proposed office use would not be significantly greater in terms of traffic generation and potential disturbance than the previous leisure use. The latter would attract primarily evening and weekend activity, whilst a business use would mainly operate during daytime working hours. The leisure centre would also have held large functions and sporting fixtures on an intermittent basis, attracting a high level of vehicle movements and activity. The impact of the proposed offices is not likely to be substantially greater than the established use of the site and as such the proposal is considered to be appropriate in the Green Belt.

Associated works on the site should also not conflict with openness of the Green Belt. The proposed access road, parking provision and landscaping scheme would be confined to the area around the former leisure centre, where there is a large area of hardstanding currently used for car parking. The amount of hardstanding in the vicinity of the building would not be increased and landscaping proposals indicate additional planting. There is the opportunity therefore to enhance the area surrounding the buildings and soften the visual impact of the use on the Green Belt.

The impact of the proposal on the visual amenities of the Green Belt would be lessened by the built up frontage and mature landscaping surrounding the site. Tall belts of planting, including established hedges and trees, exist along the site perimeter, particularly on the north and east boundaries and limit long range views into the site. A new landscaped open space to the east and south of the proposed building would be formed for the use of the employees.

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Other criteria are related to the form and design of the building being in keeping with the general surroundings and being capable of conversion, for the intended use, without significant or complete re-construction. These issues are considered to be satisfactorily complied with in respect to this building. The principle of an employment use is considered to be acceptable on this site, in accordance with Policy E1 and PPG 2, subject to the other planning policies being appropriately addressed.

Employment policy

The existing buildings, with proposed extensions would accommodate approximately 2250 square metres of office floorspace on a site not allocated for employment use. Under the provisions of Policy EP13, relating to business uses outside allocated sites, this could result in a qualitative over supply of office floor space in the city wide area. However, the principle of office development on the site was accepted by this Committee, for a building with about 3100 square metres of employment floorspace. There is also the issue of providing a suitable viable re-use of a vacant building, in a Green Belt location, which should be balanced against the potential impact on allocated employment sites.

Existing sports and recreational uses

The proposed use of this site for employment would not involve the loss of the established sports and recreational use on the wider site, but the intention is to assist the existing clubs who use the facilities, by providing security of tenure for those users of the land. The continued use of the site for sports and recreation are not a means to provide special circumstances for provision of offices on the site, although it is considered an important factor in the use of the land. The proposed employment use would be a form of enabling development to secure the long term future of the existing facilities and their possible enhancement.

The proposal would also address the effects of the current vacancy of the former sports and social club. Since the use of the main buildings ceased, early in 2007, the site has become insecure and subject to an increase in vandalism and anti-social behaviour. This has resulted in ongoing problems for local residents and the various sports clubs who use the existing facilities. The proposed office use would introduce a permanent active presence on the site and a secure environment, which would reduce the opportunity for criminal and anti-social activity.

Parking and access

The general parking and access arrangement for this proposal is considered to be acceptable in terms of highway safety and compliance with the Council's parking standards. The car park for the office use would be smaller than that of the previous development proposal, although the amount of floorspace to be provided would also be considerably less. Access and parking provision for the employment site would be separate from the sports users parking area and located within a secure gated enclosure. The designated parking area for the sports facilities is to compensate for the removal of the existing hardstanding to the front of the building, which would have been shared with the former leisure centre and social club. This parking would be reasonably located for access to the sports pitches. These include the bowling green and football pitches which are outside the application site. The car park would provide formally laid out parking provision for the use of the sports clubs and support

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the retention of the existing facilities. On days of high attendance at the sports pitches, there is a requirement for a contingency plan to provide additional parking, in the event that the designated area becomes full. The use of the office car park may be an option, although this would be subject to the security arrangements of the site. A detailed scheme for the provision of overspill parking would be sought to address this issue and prevent uncontrolled parking on the access road and local highway.

Residents' amenities

The development site is relatively self contained and screened by mature vegetation from most of the residential properties to the west side of Borrowash Road. The existing and proposed planting on the southern side of the site part obscure views of the existing building. The property which would be most affected by the proposal is Stoney Lodge, a dwelling which abuts the main entrance to the site. For clarity the rear boundary of this dwelling is at its closest point to the corner of the existing building 12.12m. This part of the existing building would be two storey, from its present single storey, and at this point would comprise first floor toilets. Further along this elevation would be offices and a canteen. The office windows would be some 18m and the canteen windows some 25m away from this boundary between the two uses. It has been suggested that this residential property will be overlooked and lose its privacy. It is a fact that there will be a first floor of windows where currently there are only minor openings. However given the distances that the new windows would be away from the boundary I cannot concur that there would be an unreasonable overlooking or loss of privacy for this dwelling, and certainly nothing that could sustain a challenge at any appeal. The Ombudsman has suggested that Members might consider mitigation measures such as obscure glazing in the elevation facing this property. I would expect obscure glazing to the toilets and therefore the question has to be 'should a first floor office window some 18m away from the boundary be obscure glazed to protect residential amenity?' – I would conclude that whilst there may be some perceived loss of amenity from the present situation it would be unnecessary and therefore unreasonable to insist on such a measure.

The extensions and alterations to the main building would not have a more adverse effect on the living conditions of nearby residential properties, since the nature of occupation of an office building would not result in more loss of amenity than a leisure use. The traffic generation and parking demand of the proposed employment use are not likely to be significantly greater than the existing use and as such there would not be an undue increase in noise or disturbance for local residents. In fact except in times when the overflow parking contingency plan is required the proposal would potentially move the sports facility parking and its access away from Stoney Lodge to the new parking location. Currently the parking can take place adjacent to the existing building and closer to Stoney Lodge with the potential for associated disturbance. Overall I am satisfied that the residential amenities of properties in the locality of the site would not be unreasonably affected by the development.

Section 106

The proposed office use would attract a requirement for contribution towards improvements to public transport, cycling and pedestrian facilities along the local transport corridor of the A52 and Nottingham Road. The proposal is appropriate for a scheme of public art to be commissioned for the site, since there would be public

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access to the sports facilities on the wider site. Alternatively a financial contribution would be provided for the provision of an art work elsewhere. The applicant is a local company which would provide employment on the site. An agreement to maximise recruitment and training opportunities for local unemployed people would be secured with the applicant. It would be beneficial to secure the retention and long term use of the existing sports and leisure facilities for the local community through a legal agreement and discussions are ongoing with the applicant to achieve this. The remaining Heads of Terms have been agreed with the applicant, as owner of the land. All of the above would be secured through a Section 106 Agreement.

11. Recommended decision and summary of reasons:

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

11.2 Summary of reasons:

The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material considerations. The proposed office use and extensions would maintain the openness of the Green Belt and preserve the visual amenities of the surrounding area. The proposal would also not unreasonably affect the amenities of nearby properties.

11.3. Conditions:

1. Standard condition 20 (landscaping scheme – and shall be implemented in accordance with the approved details)
2. Standard condition 22 (landscaping maintenance – Condition 2)
3. Standard condition 38 (drainage scheme – and shall be implemented in accordance with the approved details)
4. 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 arboricultural method statement submitted in support of the application. Tree protection shall also accord with the following requirements:
 - A. Scheme of protection shall be submitted to and agreed in writing before any development commences.
 - B. 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.
 - C. The agreed protection measures shall be retained in position at all times, with no use of or interference with the land contained within

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the protection zone, until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.

5. Standard condition 98 (Travel Plan)
6. Standard condition 100 (soil contamination and remediation)
7. Standard condition 27 (external materials)
8. Standard condition 30 (hard surfacing)
9. Standard condition 67 (disabled access facilities)
10. The details to be submitted under Condition 3, shall include a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Details of how the scheme shall be managed following implementation of the approved drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.
11. A scheme of overspill parking for the use of the sports clubs on the site, for occasions of high attendance, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall identify areas to be used, including the office car park, the circumstances of shared use and how such parking provision is to be accessed and secured. In the event, that such a shared parking scheme is not required then the agreement of the Local Planning Authority shall be sought, before such an arrangement is ceased.
12. Detailed plans showing the design, location and materials to be used on all boundary walls/fences/ gates and external lighting on the office car park, access road and sports facilities car park shall be submitted to and approved in writing by the Local Planning Authority before development is commenced and the development shall be carried out in accordance with such detailed plans.
13. The details of landscaping to be submitted under Condition 1 shall include planting of a tree to replace the Lime tree (T1) to be felled, with a similar species and in the vicinity of the existing tree, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The planting scheme shall be implemented in accordance with such approved details.
14. The development hereby permitted shall be carried out in accordance with the following approved plans:
4088 (10) sch2-102 Rev A, 4088 (40) sch2 401 Rev A, 4088 (30) sch2 302, 4088 (30) sch2 301, 3932-001, 3942 exg (fp0) 001, 3942 exg (fp1) 002, 3942 exg (elev) 003, 4088 (40) sch2 402.
15. The development hereby permitted shall be begun before the expiry of three years from the date of this permission

11.4. Reasons:

1. Standard reason E09 – Policy GD4 & E23

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2. Standard reason E09 – Policy GD4 & E23
3. Standard reason E21 – Policy GD3
4. Standard reason E24 – Policy GD2
5. Standard reason E47 – Policy T1 & T4
6. Standard reason E49 – Policy GD2
7. Standard reason E14 – Policy GD4 & E23
8. Standard reason E21 – Policy GD3
9. Standard reason E34 – Policy T10
10. Standard reason E21 – Policy GD3
11. Adequate parking provision for the use of the sports facilities may result in the need for additional shared parking, with the office use in the interests of highway safety – Policy T4.
12. In the interests of visual amenity and community safety in the local area - Policies E23 & E24.
13. To mitigate for removal of a protected tree, in the interests of visual amenity and tree health and in accordance with Policy E9 of the adopted City of Derby Local Plan Review.
14. For the avoidance of doubt.
15. 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.

11.5. S106 requirements where appropriate:

Contribution towards Highway improvements to the A52/ Nottingham Road transport corridor, for public transport, cycling and pedestrians, public art, recruitment and training opportunities to be secured for local people and requirement to secure and retain the long term use of the existing sports and leisure facilities on the site.

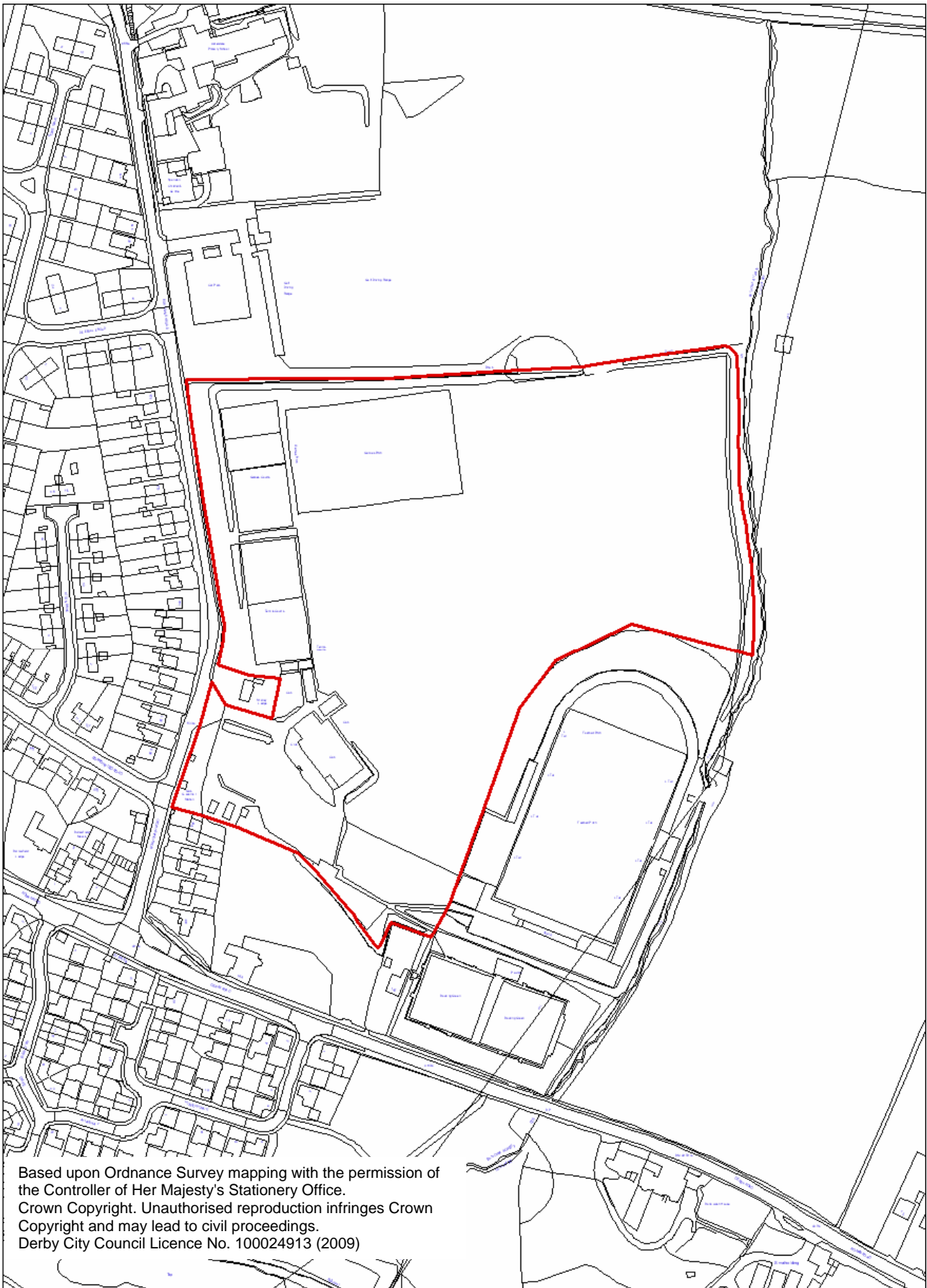
11.6. Application timescale:

This application had a 13 week target date of 17 February 2010.

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Enclosure

From: Berry, Peter
Sent: 06 January 2010 11:54
To: Booty, Sara
Cc: Poulter, Christopher; Williams, Evonne
Subject: Applications 10/09/01267&01268

Sara, I would like to officially object to the a/m applications on various grounds but in particular inappropriate use of Green Belt land and Traffic/ access issues. Regards Peter Berry, Councillor ,Spondon Ward .

(P1)

13-12-09.

DEVELOPMENT	1009/1268
RECEIVED	16 DEC 2009
REMARKS	REPLIED

R. A. KITCHEN
136, **Enclosure** ROAD,
SPONDON,
DERBY
DE 21 1AR.

SUBJECT.

Planning Applications - DER/10/09/01268/PRI.

+ DER/10/09/01267/PRI.

Dear Sara Booty, Roscam took a flyer when they bought this site & I presume 3 applications follow a similar line - maybe 1 of the 3 may get approved.

This is green belt land. None of the applications meet the requirements for development of Green Belt Land - Community amenities only - like Spaldan Cricket Club. Roscam intend using the ~~site~~ for commercial & industrial use including hardware on site. The Express Paper says Roscam would be able to take up ownership of the sports pitches & grant the sports club long term leases to use them. Who owns the pitches at present? I spent 90 minutes studying the plans & found no reference to the sports pitches other than access road & parking provision adjacent to them.

Spaldon, relative to all other Derby wards, is short of green space, parks & community facilities. I believe the main

(P2) concern of the Council is "The wellbeing & prosperity of all the residents of Derby" **Enclosure**
The needs of the people of Spaldan should take priority over an Industrial company trying to pull a "fast one".
The Council should acquire the Astor Dale Leisure Centre for the people of Spaldan.

Other concerns are for the site is next door to the residential area.

- (b) The site is on the North side of Derby / Nottingham Road. All industrial development is on the South side.
- (c) Is the plan in line with the 'Development Plan', Regional Spatial Strategy & local Development Plan for the area.

Will the Public Enquiry still take place in February 2010?

I will appreciate answers to the questions I've asked.

Thank you,

Yours Sincerely,

Enclosure

DEVELOPMENT	1009/1268 & 1267
FILED	
DATE	23 DEC 2000
REFERRED TO	KB, Dec, 2, MB, SB
REPLIED	

Mr and Mrs G. Dickens
Stoney Lodge
Borrowash Road
Spondon
Derbyshire
DE21 7PH

Dear Ms Booty

**Planning Ref: DER/10/09/01268/PRI Redevelopment of Asterdale site,
Spondon**

I would appreciate it if the Council Planning Department could take some time out of their busy lives to actually read my objections to the above Planning Application.

The first point I would like to make is this is a Green Belt site not suitable for industrial use and breaches many Government and Local Councils own policies. The Council Planning Department should be aware that this particular site has the highest protection rating around Derby not to be lost for developments such as this. This can found on the web site, (see attached copy), <http://www.emra.gov.uk/files/file1082.pdf>, so any change of use would be unacceptable and inexcusable. Furthermore it has only one entrance and exit, which is totally inadequate for Roscom's 130+ staff all arriving and leaving at peak traffic times. The commercial sites in Derby many of which are freehold or leasehold currently being developed are finding it difficult to get companies to move into their sites because of the current economic climate, I know this as I have spoken to some of the Developers. So to allow the use of Green Belt for industrial would be absolutely ridiculous.

Contrary to Green Belt Policy

The site is located in the Green Belt. So to use it for industrial use is completely contrary to Green Belt Policy, specifically Policy E1 of the City of Derby Local Plan Review. The extensions planned for the building will certainly have a greater impact on the openness of the Green Belt than the existing building, contrary to Policy E1.

There are many uses for this site for the local community such as a gym / indoor football /family social club all of which are within existing planning guide lines and could easily use the current building without extending it and be for the local community as a whole and not just for one company.

EP13

States that Commercial proposals for unallocated sites should meet various criteria to prevent an oversupply of business and industrial land.

Enclosure

I have done some research on this and found that Derby already has an oversupply of commercial land, as developments and offices are standing empty all over the City.

Loss of community facilities

Policy L12 states that planning permission for any development, including changes of use, which involves the loss of community facilities will not be granted unless: a) It is unsatisfactory for its use as a community facility in terms of access, car parking/servicing or effect on residential properties; or b) It is unsuitable for alternative community uses in terms of condition, design or size; or c) There is shown to be no need or demand for its use as a community facility; or d) The alternative provision of another site of the same or better facilities in terms of community benefit is implemented; or e) The facilities now provided can be fully retained or enhanced through the development of only a small part of the site.

The policy therefore seeks to ensure that, where a need exists and the premises are satisfactory, community facilities are not lost to other forms of development. This site has for many years held community events like carnivals/steam rallies/classic car shows etc. and also used for marching bands to practice. It is the only site in Spondon large enough for these events and therefore I believe the current building on site is a Community Facility and should be under the protection of Policy L12,

This building is ancillary to the leisure use of the rest of the wider designated open recreation area, and as such it should merit protection under the policy L1.

I consider that the existing buildings are a community facility to be protected and would be unacceptably lost as a result of this proposal. I would raise the following questions:

- a. is there evidence that it is unsatisfactory for its use as a community facility?
- b. is it unsuitable for alternative community uses?
- c. has the developer demonstrated that there is no need or demand for its use as a community facility?
- d. has the alternative provision of another site of the same or better facilities in terms of community benefit been considered?
- e. can the facilities now provided be fully retained or enhanced through the development of only a small part of the site?

Also, I fear that once the building is made industrial the disused tennis courts will not be attractive to any possible investors in the future as there will be no building to manage the site from. I believe that for the good of the community this site needs the correct investment that would encourage sports and fitness and not simply handed over to the first development proposal that comes along.

Affect of the proposal on Residential Amenity

Policy GD5 states that "Planning permission will only be granted for development where it provides a satisfactory level of amenity within the site or building itself and provided it would not cause unacceptable harm to the amenity of nearby areas. In considering harm, the Council will consider the following:

- a. Loss of privacy;
- b. Overbearing (massing) effect;
- c. Loss of sunlight and daylight;
- d. Noise, vibration, smells, fumes, smoke, soot, ash, dust or grit;
- e. Air, water, noise and light pollution;
- g. Traffic generation, access and car parking."

d) Noise, vibration, smells, fumes, smoke, soot, ash, dust or grit and e) Air, water, noise and light pollution

We also have concerns on the effect of exhaust fumes and noise not only on a personal health level in our home and garden but also on the local wild life as we daily have a wide variety of birds including woodpeckers and other rare birds and at night owls/ foxes and bats regularly visit our garden we do have photographs and video proof of a lot of this wildlife as it is something we enjoy.

g. Traffic generation, access and car parking.

At this point I can see a pattern in Roscom's Planning Applications of untrue statements. The Traffic Report clearly states there have been no accidents on Borrowash Road. However this is not true, I personally have seen three accidents in the last four years involving traffic on Borrowash Road. The most recent was reported in the Derby Telegraph on July 4 2009 right outside the school as the children were arriving that day. It was in that news report that Councillor Lucy Care was reported to have said, "The Asterdale Primary School was among a group of schools due to have its road problems looked at this year, our staff looked into the situation last year". So the council are aware of the current problems and danger to the school children in the area, regardless of any false claims that there are no traffic problems.

It would also appear the report assumes traffic will be entering and leaving along Nottingham Road, however, traffic heading to Derby will leave along the A52 as it is the most direct route and avoids the congestion at the Asda Island, and therefore passing the Primary School, which has children leaving after normal hours, as late as 6pm. The east side of Borrowash Road has no pavement above the site entrance so the children going to school have to cross the road at this point, any increase in traffic at this time of day will make their journey more hazardous.

The applicant has conducted a survey on some of their staff in an attempt to show the planned sustainable means of transport to the proposed new work place. This clearly shows that 50% of their staff will travel to work by car on their own. Roscom employ 130+ staff and appear to be growing fast. This means they will have 65+ cars heading for a car park that can accommodate only 33 cars. I would suggest that motorists will want security for their vehicles and would be in a hurry to get to work, creating a very dangerous situation for pedestrians. I would also like to know where the other 32 cars will be parking. Of course that is assuming the 60 staff that took part wasn't handpicked to give the best possible results, in which case it could be even worse.

At present the sports users on the site have the use of all the car parking and occasionally when they have a match or any large event on it is not enough and many vehicles are left on the street (see attached photos), the planned parking for the sports users, which presently is a grassed area, appears to be a small fraction of what they have now so I feel this problem will be made much worse.

One of the biggest problems with this proposal is the times of day the traffic will be increased. As a community facility any increase will be spread over the day and evenings but for commercial use it will be concentrated at the current problem times for the school and there is no way of avoiding this.

Sequential Approach

I believe the company's current Bateman Street location is edge-of-centre, not out-of-centre, and therefore makes their re-location less sustainable; and, in any case, CDLPR Policy EP10 should always be used to locate development on a preferential site irrespective of applicant origin.

Covenants restricting use of the site

There is also a covenant on this building which states "the owner not to use the sports ground or permit the sports ground to be used otherwise than for sports recreation and agriculture within a period of seventy nine years from 1983" (see attached copy). The permissible usage of the grounds where looked at before we purchased our house as our privacy was and still is a major factor in where we would live.

We believed that the policies in the Local Plan protected us from a development like this, which would destroy everything we have worked for over the last 30 years and we strongly believe that this proposal should be refused.

I have noticed from their survey that Roscom don't have any staff within walking distance of this site and only one member of staff prepared to cycle to work.

I believe the applicant knew this was inappropriate use when purchasing the site but went ahead regardless as it was cheaper than a commercial site. It is not acceptable for the people of Spondon to lose their Green Belt land and community facilities so that this company gets a bargain at our and future generations cost.

Roscom have previously stated they intend to develop the site further in the future. Which, of course they will have to as the company grows. If this application is approved it will set a precedent for industrial use of this land and it will only be a question of time before further applications are submitted. Does it not make more sense for a company to start in a place suitable for expansion without destroying Green Belt? Like the Raynesway site that has the correct infrastructure for a commercial development or any of the other sites around Derby, because we all know, there are lots of them in the city!

If this application is allowed to go ahead, the increase in traffic of at least 65 cars plus visitors and commercial vehicles each day make it inevitable that there will be more accidents on Borrowash Road. I believe the puppets on the committee will do as they are told and pass this application. Inappropriate as it is, but think on, would you like to explain to parents that have lost their child why you thought this change of use, putting more traffic in this area as the children are arriving for and leaving school was a good idea?

Enclosure

We now have documented proof that the council does know there is a traffic problem at the school on Borrowash Road. Please see attached copy

Surely the Council can see that this is just not acceptable?

I would like to request, if possible, that I could speak at the Committee Meeting.

Yours Sincerely

Mr and Mrs G. Dickens

Summary

The areas are ranked in the following order:

1.	Nottingham to Ilkeston and Long Eaton	23	HIGH
2.	Derby to Long Eaton	23	HIGH
3.	Derby to Ilkeston	22	HIGH
4.	Immediate north of Derby	22	HIGH
6.	North of Eastwood, Kimberley and Hucknall	22	HIGH
5.	Amber Valley Towns	19	MEDIUM
10.	South of West Bridgford to East Leake	17	MEDIUM
7.	Ravenshead to Calverton and surrounds	16	MEDIUM
8.	East of Arnold and Carlton	16	MEDIUM
9.	East of West Bridgford to Bingham	15	MEDIUM
F.	South of Derby	15	MEDIUM
11.	Clifton and South	14	MEDIUM
G.	West and North-West of Derby	13	MEDIUM
E.	South of Long Eaton	11	MEDIUM
A.	North around Mansfield	10	LOW
B.	East around Southwell	10	LOW
C.	East around Bingham	9	LOW
H.	North-West of Amber Valley towns	9	LOW
D.	South around East Leake	8	LOW

Conclusion

- 95 The area immediately between Nottingham and Derby and the areas immediately north are generally the most important areas of green belt. South and east of Nottingham the green belt serves fewer of the purposes set out in PPG2 because while supporting the containment of the urban area it is not separating major areas of development. The general implication of this analysis is that areas for growth to the east and south of Nottingham might impact on the green belt less than the areas for growth to the west of Nottingham. Strong reasons would be needed for any growth impacting on the existing green belt east and north of Derby given the danger of settlement coalescence to the east and the high cultural and amenity value to the north.
- 96 No possible extensions to the green belt score as highly in this analysis as the most important existing areas of green belt. However areas to the south of Long Eaton and immediately around Derby score similarly to the existing green belt areas to the south and east of Nottingham. While any decision to expand the green belt would be based on many factors, this analysis indicates that a green belt south of Long Eaton into North West Leicestershire and around Derby further into South Derbyshire District could meet a number of green belt purposes.

Taken From [www.emra.gov.uk/Files/Files 1082.pdf](http://www.emra.gov.uk/Files/Files%201082.pdf)

CITY OF DERBY	
DEVELOPMENT SERVICES DEPT.	
FILE REF	
DATE REC'D	23 DEC 2009
INVOICE NO.	
REPLIED	

THE FOLLOWING PICTURES ILLUSTRATE THE EFFECTS OF OVERSPILL PARKING ON BORROWASH ROAD, WHEN ONE OF THE FOOTBALL CLUBS HELD A LARGE EVENT, WHICH OCCURRED THIS YEAR

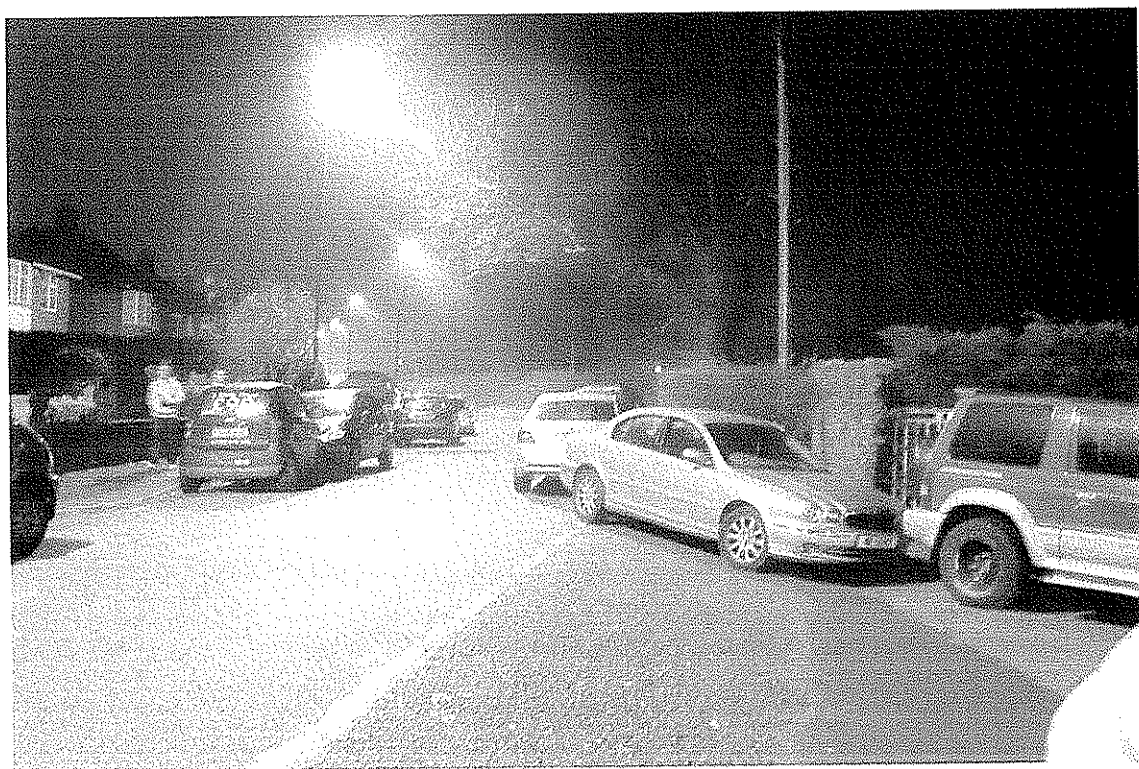
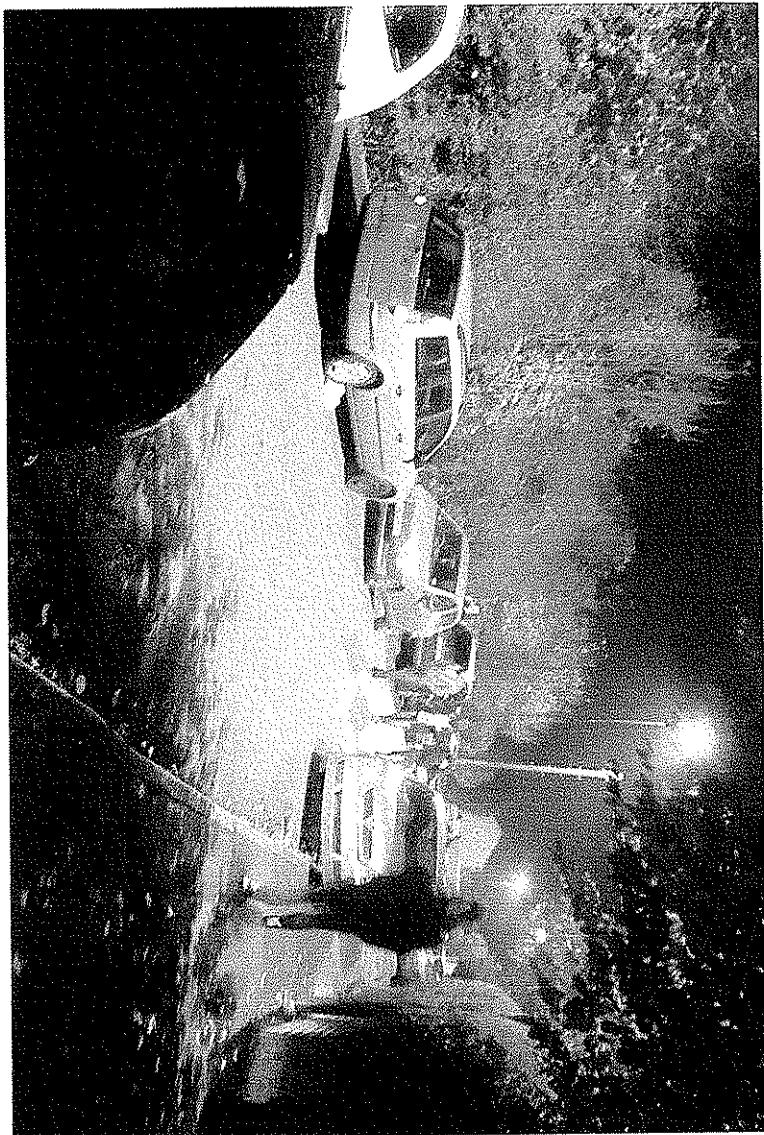
THIS DEVELOPMENT WILL REDUCE THE AMOUNT OF PARKING SPACE FOR THE SPORTS USERS ON THE SITE, MAKING STREET PARKING PROBLEMS WORSE.

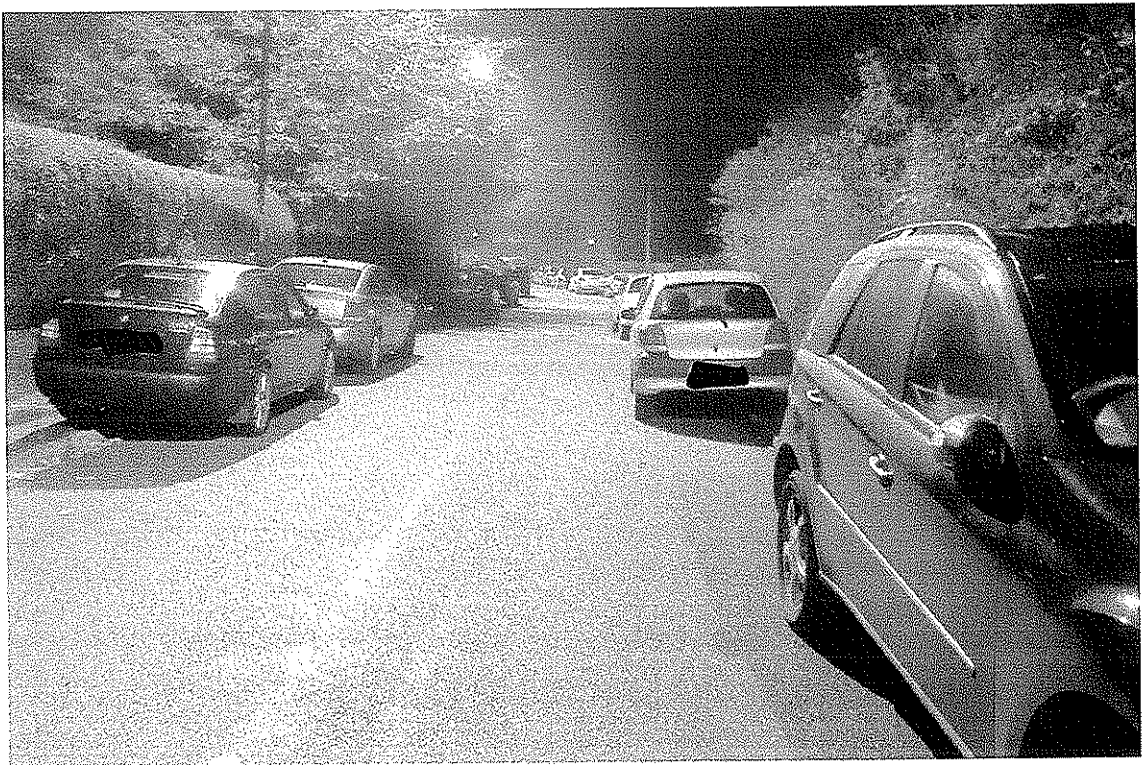
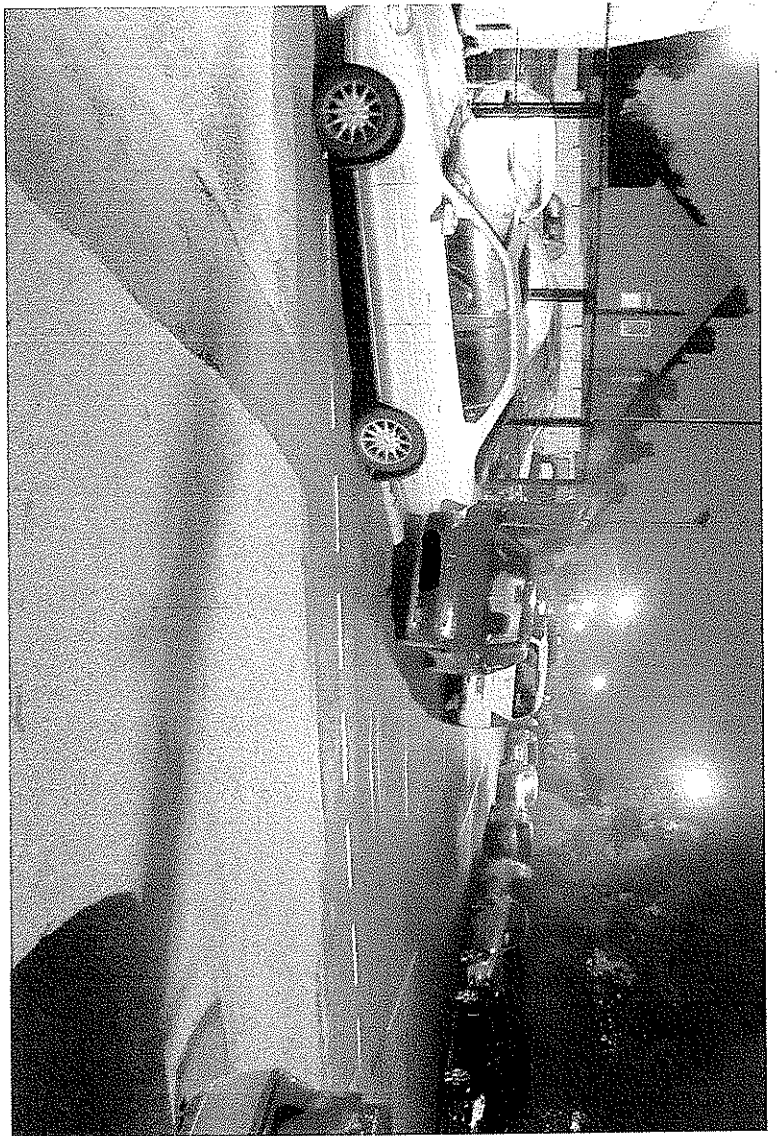
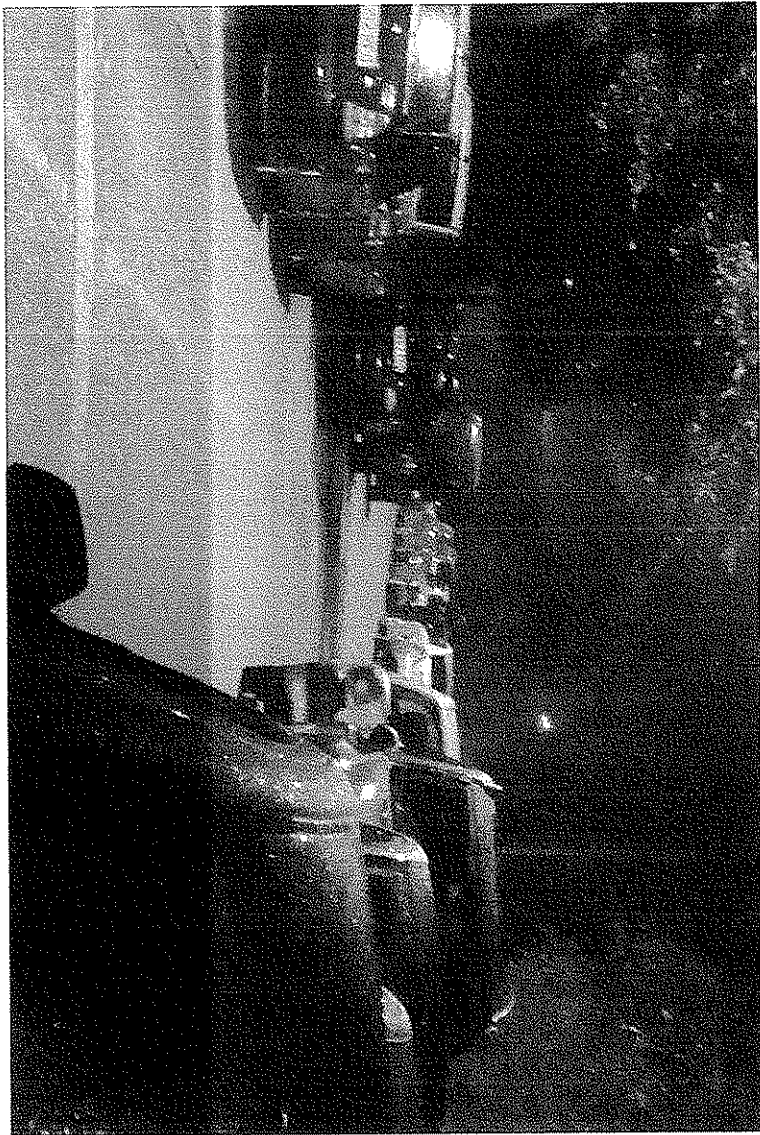
Enclosure

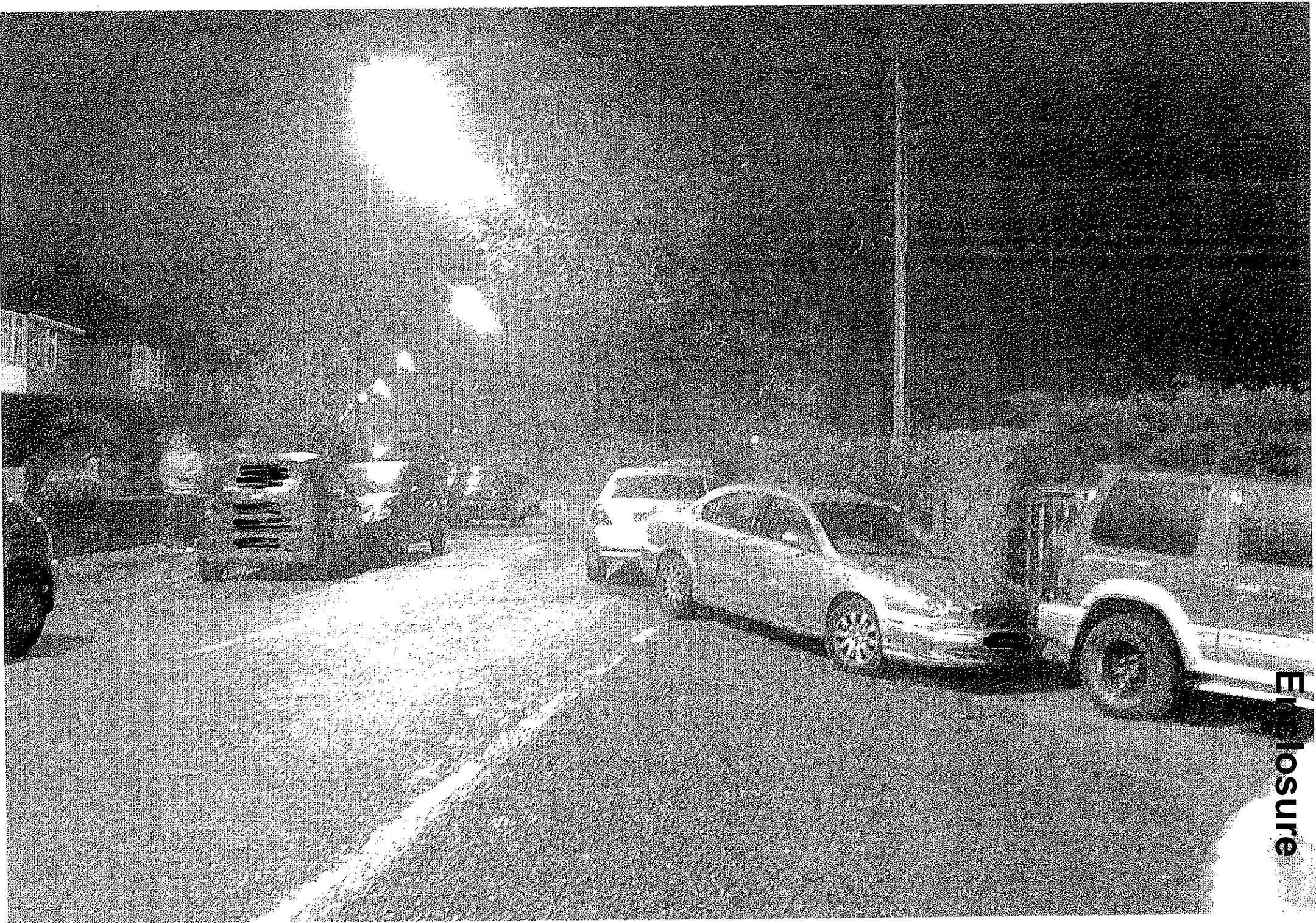


← THIS WAS THE VIEW FROM THE GATE OF STONEY LODGE. AS YOU CAN SEE IT WOULD NOT BE SAFE TO ATTEMPT TO DRIVE OUT OF MY HOME.

Enclosure







Enclosure





Enclosure

Enclosure

CITY OF DERBY	
DEVELOPMENT	10/09/01267/PRI A DEPT
FILE REF	
DATE REC'D	23 DEC 2009
REFUSED BY	Dch SB
REPLY	

Mr and Mrs G. Dickens
Stoney Lodge
Borrowash Road
Spondon
Derbyshire
DE21 7PH

Dear Ms Booty

Planning Ref: DER/10/09/01267/PRI Redevelopment of Asterdale site, Spondon

I would appreciate it if the Council Planning Department could take some time out of their busy lives to actually read my objections to the above Planning Application.

The first point I would like to make is this is a Green Belt site not suitable for industrial use and breaches many Government and Local Councils own policies. The Council Planning Department should be aware that this particular site has the highest protection rating around Derby not to be lost for developments such as this. This can found on the web site, (see attached copy), <http://www.emra.gov.uk/files/file1082.pdf>, so any change of use would be unacceptable and inexcusable. Furthermore it has only one entrance and exit, which is totally inadequate for Roscom's 130+ staff all arriving and leaving at peak traffic times. The commercial sites in Derby many of which are freehold or leasehold currently being developed are finding it difficult to get companies to move into their sites because of the current economic climate, I know this as I have spoken to some of the Developers. So to allow the use of Green Belt for industrial would be absolutely ridiculous.

Contrary to Green Belt Policy

The site is located in the Green Belt. So to use it for industrial use is completely contrary to Green Belt Policy, specifically Policy E1 of the City of Derby Local Plan Review. The extensions planned for the building will certainly have a greater impact on the openness of the Green Belt than the existing building, contrary to Policy E1.

There are many uses for this site for the local community such as a gym / indoor football /family social club all of which are within existing planning guide lines and could easily use the current building without extending it and be for the local community as a whole and not just for one company.

EP13

States that Commercial proposals for unallocated sites should meet various criteria to prevent an oversupply of business and industrial land.

Enclosure

I have done some research on this and found that Derby already has an oversupply of commercial land, as developments and offices are standing empty all over the City.

Loss of community facilities

Policy L12 states that planning permission for any development, including changes of use, which involves the loss of community facilities will not be granted unless: a) It is unsatisfactory for its use as a community facility in terms of access, car parking/servicing or effect on residential properties; or b) It is unsuitable for alternative community uses in terms of condition, design or size; or c) There is shown to be no need or demand for its use as a community facility; or d) The alternative provision of another site of the same or better facilities in terms of community benefit is implemented; or e) The facilities now provided can be fully retained or enhanced through the development of only a small part of the site.

The policy therefore seeks to ensure that, where a need exists and the premises are satisfactory, community facilities are not lost to other forms of development. This site has for many years held community events like carnivals/steam rallies/classic car shows etc. and also used for marching bands to practice. It is the only site in Spondon large enough for these events and therefore I believe the current building on site is a Community Facility and should be under the protection of Policy L12,

This building is ancillary to the leisure use of the rest of the wider designated open recreation area, and as such it should merit protection under the policy L1.

I consider that the existing buildings are a community facility to be protected and would be unacceptably lost as a result of this proposal. I would raise the following questions:

- a. is there evidence that it is unsatisfactory for its use as a community facility?
- b. is it unsuitable for alternative community uses?
- c. has the developer demonstrated that there is no need or demand for its use as a community facility?
- d. has the alternative provision of another site of the same or better facilities in terms of community benefit been considered?
- e. can the facilities now provided be fully retained or enhanced through the development of only a small part of the site?

Also, I fear that once the building is made industrial the disused tennis courts will not be attractive to any possible investors in the future as there will be no building to manage the site from. I believe that for the good of the community this site needs the correct investment that would encourage sports and fitness and not simply handed over to the first development proposal that comes along.

Affect of the proposal on Residential Amenity

Policy GD5 states that "Planning permission will only be granted for development where it provides a satisfactory level of amenity within the site or building itself and provided it would not cause unacceptable harm to the amenity of nearby areas. In considering harm, the Council will consider the following:

- a. Loss of privacy;
- b. Overbearing (massing) effect;
- c. Loss of sunlight and daylight;
- d. Noise, vibration, smells, fumes, smoke, soot, ash, dust or grit;
- e. Air, water, noise and light pollution;
- g. Traffic generation, access and car parking."

a) loss of privacy

Our home is not currently overlooked, which was the main reason we purchased it. The one window in the current building facing us has always been boarded up from the inside and painted black. However the planned extension is a wall of windows at first floor height facing my bedrooms/living room/kitchen/study and garden and as such is a massive loss of privacy to us by people who we will never know and visitors to the company.

d) Noise, vibration, smells, fumes, smoke, soot, ash, dust or grit and e) Air, water, noise and light pollution

We also have concerns on the effect of exhaust fumes and noise not only on a personal health level in our home and garden but also on the local wild life as we daily have a wide variety of birds including woodpeckers and other rare birds and at night owls/ foxes and bats regularly visit our garden we do have photographs and video proof of a lot of this wildlife as it is something we enjoy.

Also, during hours of darkness, in winter months this will be as early as 4pm, we will be suffering light pollution from the planned extension on the first floor which appears to be constructed of a glass wall facing the rear of our property, which will be lit up like a wall of light.

g. Traffic generation, access and car parking.

At this point I can see a pattern in Roscom's Planning Applications of untrue statements. The Traffic Report clearly states there have been no accidents on Borrowash Road. However this is not true, I personally have seen three accidents in the last four years involving traffic on Borrowash Road. The most recent was reported in the Derby Telegraph on July 4 2009 right outside the school as the children were arriving that day. It was in that news report that Councillor Lucy Care was reported to have said, "The Asterdale Primary School was among a group of schools due to have its road problems looked at this year, our staff looked into the situation last year". So the council are aware of the current problems and danger to the school children in the area, regardless of any false claims that there are no traffic problems.

It would also appear the report assumes traffic will be entering and leaving along Nottingham Road, however, traffic heading to Derby will leave along the A52 as it is the most direct route and avoids the congestion at the Asda Island, and therefore passing the Primary School, which has children leaving after normal hours, as late as 6pm. The east side of Borrowash Road has no pavement above the site entrance so the children going to school have to cross the road at this point, any increase in traffic at this time of day will make their journey more hazardous.

The applicant has conducted a survey on some of their staff in an attempt to show the planned sustainable means of transport to the proposed new work place. This clearly shows that 50% of their staff will travel to work by car on their own. Roscom employ 130+ staff and appear to be growing fast. This means they will have 65+ cars heading for a car park that can accommodate only 33 cars. I would suggest that motorists will want security for their vehicles and would be in a hurry to get to work, creating a very dangerous situation for pedestrians. I would also like to know where the other 32 cars will be parking. Of course that is assuming the 60 staff that took part wasn't handpicked to give the best possible results, In which case it could be even worse.

At present the sports users on the site have the use of all the car parking and occasionally when they have a match or any large event on it is not enough and many vehicles are left on the street (see attached photos), the planned parking for the sports users, which presently is a grassed area, appears to be a small fraction of what they have now so I feel this problem will be made much worse.

One of the biggest problems with this proposal is the times of day the traffic will be increased. As a community facility any increase will be spread over the day and evenings but for commercial use it will be concentrated at the current problem times for the school and there is no way of avoiding this.

Sequential Approach

I believe the company's current Bateman Street location is edge-of-centre, not out-of-centre, and therefore makes their re-location less sustainable; and, in any case, CDLPR Policy EP10 should always be used to locate development on a preferential site irrespective of applicant origin.

Covenants restricting use of the site

There is also a covenant on this building which states "the owner not to use the sports ground or permit the sports ground to be used otherwise than for sports recreation and agriculture within a period of seventy nine years from 1983" (see attached copy). The permissible usage of the grounds where looked at before we purchased our house as our privacy was and still is a major factor in where we would live.

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Yours Sincerely

Mr and Mrs G. Dickens

Smash highlights traffic fear

Head teacher says he had warned of danger to children over many years

BY ZENA HAWLEY

zhawley@derbytelegraph.co.uk

A DERBY head teacher says the need for tighter traffic restrictions outside his school has been underlined by a crash involving three cars.

One woman was taken to hospital following the accident outside Asterdale Primary School, in Spondon, just as children were arriving for lessons.

But it is still unlikely any new road safety measures will be introduced immediately by the city council.

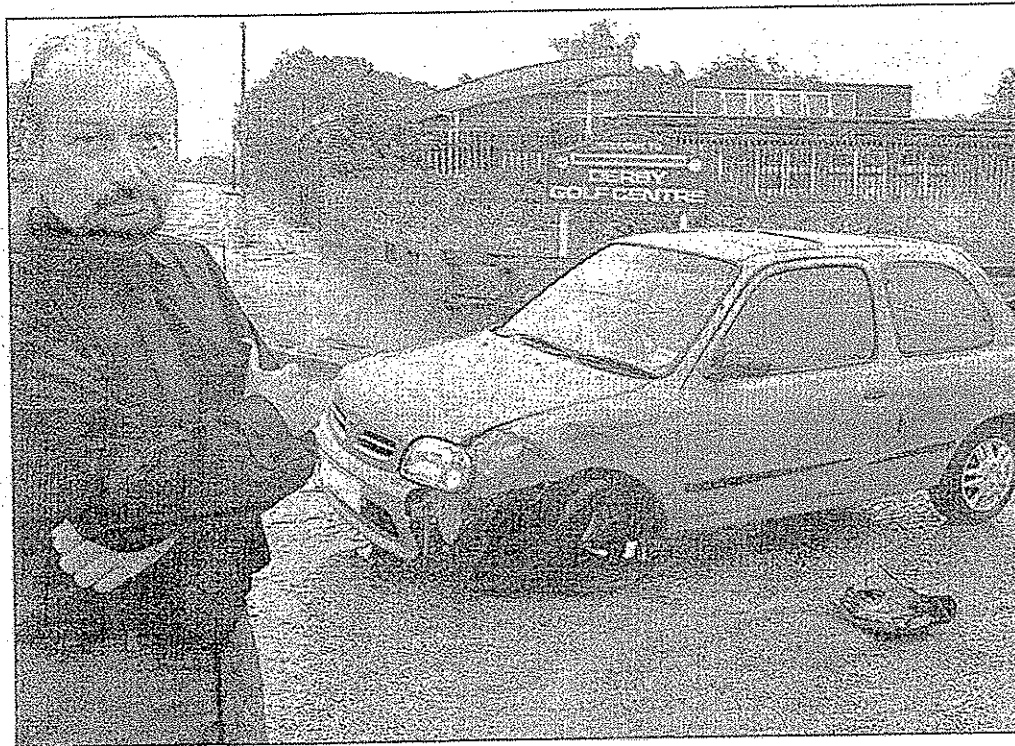
Parking by parents and heavy traffic from the A52 on to Borrowash Road have been a major concern for head Cliff Perry for several years.

He said: "I have been warning the authorities this would happen.

"Fortunately, it is not as serious as it could have been and for that I am thankful.

"But children could so easily have been seriously injured or worse.

"Traffic-calming measures such as signs, concrete bollards shaped like children at the side of the road and road humps have been suggested but nothing has happened as yet."



WARNING: Cliff Perry, head teacher at Asterdale Primary, fears the next smash could be worse.
Picture: Leah McLaren LM030709A-2

Two members of teaching staff witnessed the accident and rushed to help.

It happened as children were getting out of two stationary cars.

Mr Perry added: "One of my teachers was due to go on a school trip but I have had to replace her because she is shocked

"We need to make drivers more aware the school is here and introduce measures to slow traffic down.

"This road is used as a rat run by speeding cars and large lorries between the A52 and Nottingham Road.

"Something must be done before it is too late."

Witnesses said a car heading

towards the A52 collided with the stationary cars.

Parent Angie Pointon, whose son, Blaise, attends the school, has been campaigning for improved road safety for several years too.

She said: "It's the thing we have always dreaded the most happening.

"My understanding was that

money was to be made available to carry out some of the safety measures but nothing seems to have happened.

"Parents at the school need to realise the problems they are causing when they park outside of the school.

"But equally we need to slow traffic down in this area somehow."

Councillor Lucy Care, city cabinet member for children and young people, confirmed Asterdale Primary was among a group of schools due to have its road problems looked at this year.

She said: "Our staff looked

We need to make drivers aware the school is here and slow traffic down.

CLIFF PERRY

into the situation last year and made recommendations such as moving the yellow zig-zag lines further down the road and installing a drop-kerb.

"But the suggestions need to be approved by the school and council before work could go ahead, which hopefully would be by the end of 2009.

"This is the first injury accident on that stretch of road for three years but it doesn't mean we should take the situation lightly."

A Derbyshire police spokesman confirmed the accident had taken place and the force was investigating.

Historic pub in line for revamp

A HISTORIC former pub in Wirksworth could get a facelift thanks to a £2,000 grant from Derbyshire Dales District Council.

Mrs V Carman, owner of the grade II listed George House, in Coldwell Street, has applied to the authority for an Historic Building Grant.

The cash would be put towards the cost of external render repairs.

Council officers have recommended the application is approved at a meeting of the authority's planning committee on Tuesday.

In a report, officers state the current state of the render and its finish "provide a displeasing aspect to both Coldwell Street and Church Street".

Fire at ex-home

FIREFIGHTERS were called out to a blaze at a disused care home for the disabled.

Crews were sent to Rodney House, in Penulton Close, at 5pm yesterday after smoke was seen coming from the windows. They extinguished the fire by 5.45pm.

'Yes' to storage

A SCHOOL is to build an extension.

Stonehill Nursery, in Stonehill Road, Derby, applied to the city council for permission to create more storage space.

The authority has now given the go-ahead.

ENCLOSURE

Enclosure

From: Mandy [
Sent: 13 January 2010 22:14
To: DevelopmentControl
Subject: Applications DER/10/09/01267 & 1268

MR G DICKENS
STONEY LODGE
BORROWASH ROAD
SPONDON
DERBY
DE21 7PH

13th January 2010

Dear Ms. Sara Booty

RE: Application No: DER/10/09/01267/PRI & DER/10/09/01268/PRI
Site of Asterdale Leisure Centre Borrowash Road Spondon Derby
Proposal: Change of use and extension of Leisure Centre (Use Class D2) to
Offices (Use Class B1) and formation of access road and car parking

I have been looking at Roscom's traffic assessment on the above Planning Applications and noticed some more inaccuracies.

They state in the report that there have only been 4 reported accidents in the area. However in the Police Report they have submitted it clearly shows the true figure to be 9 and they are as follows-

08-02-04 Borrowash Road J/W A52
17-02-04 Borrowash Road J/W Nottingham Road
27-02-04 Borrowash Road J/W A52
16-07-04 Borrowash Road J/W A52
26-08-04 Borrowash Road J/W Nottingham Road
02-11-04 Borrowash Road J/W A52
23-07-05 Borrowash Road J/w A52
29-09-07 Borrowash Road J/W Nottingham Road
28-11-07 Falconside Drive J/W Nottingham Road

Do you think these 5 extra accidents may have been omitted because they are so close to the school? or maybe that's a coincidence!! In any event if the Council can be bothered to check this information in can be found on pages 70 and 71 in the Transport Assessment NTT 333 C rev.1 29-11-2009.

I would also like to draw your attention to pages 91 and 92. Where it can be seen that 52% + 3% with passengers drive to work currently, but in the proposed workplace the figures will be 50% + 13% = 63% of Roscom's 130 staff, that's 82 cars on Borrowash Road during peak traffic times heading for a

Enclosure

car park of only 33 spaces. If that isn't a recipe for disaster I don't know what is!

Kind regards
Glen Dickens

Enclosure

19 Wood Road
Spondon
Derby
DE21 7DP

25th January 10

Derby City Council
Planning Office
Regeneration and Community
Friargate
Derby

CITY OF DERBY DEVELOPMENT & CULTURAL SERVICES DEPT.	
FILE REF.	1009/1267 + 1009/1268 ✓ 10 29-1-10 ✓ 10 29-1-10
DATE REC'D	27 JAN 2010
REFERRED TO	1) D-370 (book) 3) SB - 2) NS - Pl. cap to members
REPLIED	copied 25/1

Dear Sara Booty

Subject: DER/10/09/01267 and DER 10/09/01268 Changing Asderdale Site from D2 to B1 to an office block.

I received a letter saying Roscom have withdrawn their planning Application DER 01/09/00084 and the matter was closed; and Roscom Ltd would not develop the site for their new office block on land that is classed as Green Belt and Leisure usage only.

But I have found out the Company have submitted two other applications knowing people would give up objecting their applications because people would get fed-up if they continue adding new and changing their planning applications every couple of weeks.

I know from the a planning Inspectorate letter the planned public inquiry was for February 2010 on planning application DER 01/09/00084 as the development is on Green Belt land that should be used for farming, and Leisure usage as listed under the Town and County planning Act 1990- section 77.

In all three applications listed above the change of Green Belt rules will be required, and a further public enquiry will be needed since the whole site is located on Green Belt Land, and their planning application could affect the rest of the Green Belt between Spondon and Ilkeston including up to Long Eaton if successful at Derby City council planning meeting on the 4th February 2010.

After speaking with local people a number of companies include Banks Developments are interested in Roscom development plans, knowing a successful application would lead these companies to purchase farm Land at the East of Spondon, and if Roscom ruling supported their plans and affects the Green Belt Legislation, these companies would be able to plan a future development of protected Green Belt Land.

I have lived in Spondon all my life and noticed Spondon Leisure as eroded with less choice for Spondon People. Oakwood as spring wood Leisure centre, Allenton, Alvaston, Chellaston have Moorways Leisure and swimming centre and Oakwood will have a new pool fitted in the future. Chaddesden and Alvaston Park have tennis and sports areas that used by the public but Spondon has no tennis courts, basketball courts, and no Gym without traveling to Oakwood or into Derby including visiting to Mackworth College using two buses costing over £7.00 if a person have no car access.

The Asterdale Leisure Centre is important to local people because since the 1950s it was used a paid by workers and staff from Courtaulds who paid for the leisure out of their wages, and used the ground for a variety of functions from sports, carnivals and shows, company and school sport events, including local athletics clubs who used the site for running and field events during the summer period.

Before Roscom was interested in the site the land belongs to a brewery before being purchased without permission of its members, and the site offered sport and leisure services but over time the brewery did not invest or regenerated the site to improve services but still offered function like weddings and other social functions before it was sold. Derby City Council listed the site as a wedding venue until 2006.

Enclosure

This site could have been a benefit for local people include reducing antisocial behaviour that been mentioned at local form meetings, and this site would provide a greater choice for the community. Ten Years ago the lottery was introduced, and with Company sponsorship from local Companies in Derby the site could have been regenerated with swimming pool, athletics track, football, cricket including indoor events like badminton squash a new gym and function Rooms to offer young people discos and entertainment in the community with weddings and party functions.

The Asterdale Estate have no social club for local people because the Anglers public house have been sold and redeveloped as a care home for dementia patients. On Spondononline.co.uk it shows the outline of 3 tennis grass courts within the boundary of the site that should be opened for local people since Spondon as no tennis courts accesses to the public, and on the site there is a cricket and football pitch that covers back of the Asterdale club house.

This site as plenty of history with the first field enclosures in the 17th century, and the area was farmed for over 200 years until the 1940 when some of the land was given for social housing to cater for homes damaged during the war period. The Asterdale site was still used as farming until the owner died then the Land was used by local people for leisure and during the 1950s the Courtaulds site asked permission with their work force to create a works and leisure club. The staff of 20.000 people paid each week to use the club from their wages including their families and local people used this site.

Roscom cannot be given permission to develop the site knowing it's located in a Residential area and on a narrow access Road with houses on one side and a school and a golf course on the opposite site of the road. Borrowash Road is an access off the A52 to the Asterdale estate and is very busy at peak times and during school opening and closing times and a development that hold a work force and visitors of between 100 and 140 people including cars with a limited number under 10% would use alternative forms of Transport like public transport and cycling. The extra car usage of 100+ in the morning and afternoon would increase the risk of accidents and increase congestion on Borrowash Road that may cause additional safety problems for local people especially children and animals who live in the area.

The site as a bind corner as pedestrians walking up Borrowash Road, and cross at the access point they would not see traffic leaving the site, and an injury accident is likely with children who would not notice cars leaving or entering the site. In their photos it showed the access point when traffic would leave the site, and you could not see the road and footway towards the end of Borrowash Road. Even when people cross the road they would not see cars leaving the site until they face the entrance because there is high fencing and walls covered with trees and plants.

The next concern in the Roscom plans high fencing surrounding the building that block community access to the site and since the site is classed for leisure usage Residents of Spondon should be given access to the site.

I believe a public enquiry should be established on this site because it changes the rules under the Green belt Legislation and the present application does affect the Green Belt Legislation under the Town and County planning Act 1990- section 77. I have noticed there are plenty of empty buildings in Derby include Pride Park that is suitable for Roscom and it away from Residential property and schools and since Roscom is a commercial business it should locate on a site with other commercial business, and Spondon Borrowash Road area is classed as a Residential, Educational and Leisure including farming at the side of the club and this area should be classed as a Residential area only and not used for a factory or office usage.

I would be present, I would like my letter submitted into the planning application review on the 4th February 2010 as I was asked to attend a public enquiry of their pervious application DER 01/09/00084 on the 16th February 2010.

Yours Sincerely

+ 0 +

Enclosure

F.A.O. SARA BOOTH

10/09/01267

Neighbour comments for Planning Application 01/09/00084

Site address: Site of Asterdale Leisure Centre, Borrowash Road,
Spondon, Derby

Letter in Support of the plans submitted by Roscom PLC

This letter of support comes from Graham Street Prims FC, confirming our full support with regards to the Roscom development plans of the Asterdale site.

Graham Street Prims FC have been based at the Asterdale site for the last nine years and have maintained our club house and adjoining pitch and grass areas for that period. This has gone some way to deter vandals but by no means stopped it. We have spent in excess of £100, 000 in making our facilities meet the required standards for the football leagues in which we play and if the Roscom development is approved it will allow us to maintain this standard and if possible improve our facilities, thus enabling us to progress further. The only negative will be having to find yet more funds to re build some of our buildings which are earmarked for demolition under the Roscom development plans.

It has become increasingly more difficult over the past two years since the Asterdale Club was closed to maintain our buildings due to increased vandalism so any new developments will bring added security to the area and hopefully see the vandalism stop. With full support the Roscom development plans will help sporting facilities return to the site and enable our club along with others to continue and build upon their current facilities. It will also open up more sporting facilities to the surrounding community.

We are hoping to expand the number of teams and bring in younger players and having the stability at the site would enable us to do that. Combined with this we hope to work closely with Leesbrook Rugby Club to bring back a full mixture of sports to the site.

Graham Street Prims Football Club

24/11/09

D. TICE

SEC. GRAHAM STREET PRIMS F.C.

CITY OF DERBY DEVELOPMENT & CULTURAL SERVICES DEPT.	
FILE REF	1029/11267
DATE RECD	27 NOV 2009
REFERRED TO	S
REPLIED	SB

Committee Report Item No: 13

Application No: DER/10/09/01268

Type: Full

1. **Address:** Site of the Asterdale Leisure Centre, Borrowash Road, Spondon

2. **Proposal:**

Change of use of Leisure Centre (Use Class D2) to offices (Use Class B1) and formation of access road and car parking

3. **Description:**

As referred to in the previous report this application was reported to the meeting in February when these proposals were originally considered. Despite Members resolving to grant planning permission for both of these applications the permissions have not yet been issued, due to lengthy negotiations regarding the Section 106 Agreement. I am reporting these applications back to this committee at the suggestion of the Local Government Ombudsman who is investigating a complaint from a local resident. The Ombudsman is considering whether the Committee resolution was flawed because of shortcomings in the consideration given to the effect on the residential amenity for Stoney Lodge. On this matter the Ombudsman, in a provisional view, has expressed reservations about the consideration of such issues.

To help address these concerns the Ombudsman suggests that the matter might be reconsidered by the committee. In summary the points of concern relate to:

- The assessment of the effect on the residential amenity. The assertion that the proposed office use would have no more impact than the existing leisure centre use, takes no account of the proposed alterations which would replace a relatively featureless elevation with a wall of windows looking towards Stoney Lodge. There does seem to be some possibility that Members of the Committee may not have appreciated this fact.
- The distances stated by the presenting officer were at odds with those quoted by the complainant and therefore the possibility exists that members of the Committee may have been influenced by repeated references to a greater separation.
- It would have been helpful that photographs displayed at Committee showing the leisure centre taken from the garden of Stoney Lodge on a previous scheme should have been displayed to fully inform members of the committee.

As a result of this provisional assessment I have decided to re-present the report, along with photographs and to clarify the distances between the properties. This is the second of two applications, currently being processed, for the site of the former Asterdale leisure centre and social club and sports fields, off Borrowash Road, Spondon. They have been submitted by the same applicant as the planning application, ref: DER/01/09/00084, for demolition of buildings and erection of office development, which was considered by this Committee in June 2009. The latter application was subject to call – in by the Secretary of State, under the Green Belt Direction, as new development contrary to Green Belt policy. A public inquiry date had been set for February, to examine the proposal, although the application was subsequently formally withdrawn and the inquiry cancelled.

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The current applications are both on this agenda for consideration by Members. This proposal is for change of use of the former Asterdale leisure centre building to form office accommodation, (B1 use). It would comprise 1363 square metres of floorspace, which is over two floors of the existing building. The proposal would also include formation of a new access road around the southern edge of the site to serve a designated parking area for the users of the sports pitches and bowling green. A coach lay-by would be provided on the access road for the sports users. A car park for the office use of up to 33 spaces, with 3 disabled spaces, would be provided with servicing and cycle store to the front of the building. There are no external alterations or extensions to the building proposed with this scheme.

4. Relevant Planning History:

DER/01/09/00084 – Demolition of leisure centre buildings, erection of offices (B1 use) and formation of access road and car parking, referred to Secretary of State with resolution to grant permission in June 2009. Application withdrawn – January 2010.

DER/10/09/01267 – Change of use and extension of leisure centre buildings to offices (B1 use) and formation of access road and car parking, current application on this agenda.

5. Implications of Proposal:

5.1. Economic:

The proposed office use is intended to provide a new headquarters for the applicant, a local telecom company with existing premises on Bateman Street in Derby. The application does not specify employee numbers for this proposal, although the use would allow employment retention and generation in the city.

5.2. Design and Community Safety:

The proposed change of use of the existing buildings would not involve alterations to the appearance or form, although the internal site layout would be revised and together with external landscaping. The visual amenities of the surrounding area would not be significantly affected by the proposal.

The vacant leisure centre site currently suffers problems with anti-social and criminal activity. The proposed re-use of the buildings on the site for employment use would be a means to secure the whole site for both the staff and the sports and leisure uses. Under the proposals the office use would be in an enclosure with a gated access and would be separated from the sports facilities and access road by security fencing. An entrance gate would be maintained at the Borrowash Road junction.

5.3. Highways – Development Control:

Visibility at the existing access appears to be acceptable for the proposed use. The level of proposed car parking for the offices is also appropriate in this location and in line with the Council's Parking Standards. Car parking is also to be provided for the sports facilities, although some overspill parking is likely to be required for days of high attendance and it would be appropriate on the office car park outside working hours. An outline Travel Plan has been submitted and a more detailed Plan would be required, which can be secured

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by condition. Further details of a scheme of overspill parking can be secured by an appropriate condition.

Highways – Land Drainage:

Insufficient drainage and flood risk information has been provided to properly assess the drainage impacts of the proposal. Details of the drainage design for the scheme should be provided and any site infiltration testing, which has been done. These details should be secured and agreed by an appropriate planning.

5.4. Disabled People's Access condition.:

An appropriate amount of disabled people's parking would be provided for the office use.

5.5. Other Environmental:

The application relates to the buildings and land to the south west corner of the site, which is primarily hard surfaced or has existing buildings. There is mature hedgerow and tree cover around the perimeter of the site. Abutting the entrance and the western boundary are established mature hedges and various trees, including a group of 3 Birch trees, which surround the car park to the former leisure centre. Only a Lime tree in this group is of particular merit. The Birch trees are proposed for removal to accommodate the new access road. Along the southern boundary and on an adjoining property is a group of large mature Poplar trees, which overhang the site. The proposed access road to the sports facilities would run close to these trees, although long term retention would be achievable by appropriate method of ground/surfacing material within the root protection area of the group, detailed in the submitted method statement. These tree protection measures would be secured by an appropriate condition.

6. Publicity:

Neighbour Notification Letter	46	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:

Four letters of objection have been received and one of support. An objection has also been received from Councillor Berry. The main issues raised are as follows:

- Industrial use is inappropriate in the Green Belt.
- Existing community uses on the site should not be lost to other forms of development. It should be protected under Policy L12.
- There is an over supply of commercial land in the city.

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- The buildings are a community facility, which should be protected from this proposal.
- Impact of noise and fumes from traffic generated by the proposed use.
- Increase in traffic hazards on Borrowash Road during peak times.
- Inadequate levels of car parking for the office proposal.
- Applicant's traffic assessment contains inaccuracies.
- The proposal would allow sports clubs to maintain pitches and possibly improve facilities.

These representations have been reproduced with the report for DER/10/09/01267.

8. Consultations:

8.1. Natural Environment (Tree Officer):

The Birch trees are shown for retention as part of the scheme and on this basis a specific Arboricultural Method Statement should be submitted for no dig surfacing. The Tree Protection Plan is acceptable; although consideration should be given to siting of access road in relation to nearby Poplar trees. No objections subject to these issues being addressed.

8.2. Environmental Services (Trees):

Agree with comments of Tree Officer. If applicant wishes to retain group of 3 Birch trees a specific Arboricultural Method Statement should be provided detailing no-dig surfacing to be used. No objection to removal of these trees and replacement with suitable tree species.

8.3. Environmental Services (Sport & Leisure):

No comment.

8.4. Environmental Services (Health – Pollution):

Recommend remediation scheme is secured by a suitable condition.

8.5. ENV Agency:

No objections in principle, provided that conditions are attached for provision of satisfactory surface water drainage scheme, based on sustainable drainage principles and assessment of hydrological and hydrogeological context of the development. It should include details of how the schemes are to be maintained and managed after completion.

8.6. Police Liaison Officer:

The site should be brought back into use due to misuse and anti-social behaviour. The premises are frequently subject to crime and damage to property. Support the basic principles of re-use of the main buildings and enhanced recreational facility, through increased activity and management of the site.

Proposed access contributes to activity, surveillance and security of the site. Welcome the separation of two diverse areas and space division. The proposed bollard lighting should be supplemented by adequate lighting around the site.

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8.7. Erewash BC:

No comments.

8.9 Government Office for the East Midlands:

Initially GOEM on behalf of the Secretary of State issued a 'holding direction' given their concerns and potential involvement in the larger DER/01/09/00084 scheme which Members had resolved to approve. Following further detailed consideration of the latest reduced scheme the Secretary of State concluded that there is not sufficient reason to warrant calling in the application – the issues raised do not relate to matters of more than local importance, and decided that the decision whether or not to grant planning permission will remain with Derby City Council.

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

GD2	Protection of the environment
GD3	Flood risk
GD4	Design and the urban environment
GD5	Amenity
EP13	Business and Industrial development in other areas
E1	Green Belt
E17	Landscaping schemes
E23	Design
E24	Community Safety
T1	Transport implications of new development
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:

Green Belt policy

The former Asterdale leisure centre buildings and sports pitches are located within the Green Belt, which extends along the eastern edge of Spondon. Proposals in the Green Belt are considered under PPG 2 and Policy E1 of the Local Plan. The development of offices on the site, which has now been withdrawn, would by definition be inappropriate development in the Green Belt and only permissible by showing very special circumstances to justify a departure from the policies. There were considered to be those special circumstances to support re-development of the existing buildings, based on the need to secure the sports and recreational use of the overall site. That scheme is not now being pursued. The current proposal represents an alternative means of providing office accommodation on the site, for the same applicant and with the similar commitment to support the existing sports facilities.

The proposed change of use of the main building to offices would in principle be appropriate under Green Belt policy. PPG 2 states that re-use of buildings should not prejudice the openness of Green Belts, since it enables the retention of existing buildings and avoids long term vacancy and dereliction. The viable re-use of a vacant

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building is not inappropriate under this policy, subject to specific criteria. The proposed use should not have a materially greater impact than the previous use, in this case, a leisure centre and social club, on the openness of the Green Belt. An office use would involve activity on the site and vehicle movements at different times than a leisure use. The latter is likely to attract primarily evening and weekend activity, whilst business use would mainly operate during daytime working hours. Having said that the level of activity is not likely to be dissimilar, particularly if a leisure use were to be in the form of large functions or sporting fixtures. Employee numbers have not been specified, although the existing building would accommodate a similar level of occupation. The impact of the proposed use is not therefore likely to be substantially greater than the established use of the site.

Associated works on the site should also not conflict with openness of the Green Belt. The proposed access road, parking provision and landscaping scheme would be confined to the area around the former leisure centre, where there is a large area of hardstanding currently used for car parking. The amount of hardstanding in the vicinity of the building would not be increased and landscaping proposals indicate additional planting. There is the opportunity therefore to enhance the area surrounding the buildings and soften the visual impact of the use on the Green Belt.

The impact of the proposal on the visual amenities of the Green Belt would be lessened by the built up frontage and mature landscaping surrounding the site. Tall belts of planting, including established hedges and trees, exist along the site perimeter, particularly on the north and east boundaries and limit long range views into the site. Mature trees and planting along the Borrowash Road frontage, effectively screens the site from the street frontage and nearby properties to the west of the site. Much of the existing natural features would be retained on the site and a new landscaped open space to the east and south of the proposed building would be formed for the use of the employees.

Other criteria are related to the form and design of the building being in keeping with the general surroundings and being capable of conversion, for the intended use, without significant alteration. These issues are considered to be satisfactorily complied with in respect to this building. The principle of an employment use is considered to be acceptable on this site, in accordance with Policy E1 and PPG 2, subject to the other planning policies being appropriately addressed.

Employment policy

The existing buildings would accommodate approximately 1360 square metres of office floorspace on a site not allocated for employment use. Under the provisions of Policy EP13, relating to business uses outside allocated sites, this could result in a qualitative over supply of office floor space in the city wide area. However, the principle of office development on the site was accepted by this Committee, for a building with some 3100 square metres of employment floorspace. There is also the issue of providing a suitable viable re-use of a vacant building, in a Green Belt location, which should be balanced against the potential impact on allocated employment sites.

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Existing sports and recreational uses

The proposed use of this site for employment would not involve the loss of the established sports and recreational use on the wider site, but the intention is to assist the existing clubs who use the facilities, by providing security of tenure for those users of the land. The continued use of the site for sports and recreation are not a means to provide special circumstances for provision of offices on the site, although it is considered an important factor in the use of the land. The proposed employment use would be a form of enabling development to secure the long term future of the existing facilities and their possible enhancement.

The proposal would also address the effects of the current vacancy of the former sports and social club. Since the use of the main buildings ceased, early in 2007, the site has become insecure and subject to an increase in vandalism and anti-social behaviour. This has resulted in ongoing problems for local residents and the various sports clubs who use the existing facilities. The proposed office use would introduce a permanent active presence on the site and a secure environment, which would reduce the opportunity for criminal and anti-social activity.

Parking and access

The general parking and access arrangement for this proposal is considered to be acceptable in terms of highway safety and compliance with the Council's parking standards. The car park for the office use would be smaller than that of the previous development scheme, although the amount of floorspace to be provided would also be considerably less. Access and parking provision for the employment site would be separate from the sports users parking area and located within a secure gated enclosure. The designated parking area for the sports facilities is to compensate for the removal of the existing hardstanding to the front of the building, which would have been shared with the former leisure centre and social club. This parking would be reasonably located for access to the sports pitches. These include the bowling green and football pitches which are outside the application site. The car park would provide formally laid out parking provision for the use of the sports clubs and support the retention of the existing facilities. On days of high attendance at the sports pitches, there is a requirement for a contingency plan to provide additional parking, in the event that the designated area becomes full. The use of the office car park may be an option, although this would be subject to the security arrangements of the site. A detailed scheme for the provision of overspill parking would be sought to address this issue and prevent uncontrolled parking on the access road and local highway.

Residents amenities

The development site is relatively self contained and screened by mature vegetation and is not clearly visible from most of the residential properties to the west side of Borrowash Road. The existing and proposed planting on the southern side of the site part obscure views of the existing building. The property which would be most affected by the proposal is Stoney Lodge, a dwelling which abuts the main entrance to the site. The change in use of the main building would not have a more adverse effect on the living conditions of nearby residential properties, since the nature of occupation of an office building would not result in more loss of amenity than a leisure use. As stated in the previous report and for clarity the rear boundary of this dwelling is at its closest point to the corner of the existing building 12.12m. This part

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of the existing building would remain single storey with the main two storey elevation a further 8.5m away. It has been suggested that this residential property will be overlooked and lose its privacy. It is a fact that there are only minor openings in this elevation and given the distances that these windows would be away from the boundary I cannot concur that there would be an unreasonable overlooking or loss of privacy for this dwelling at all.

The change of use of the main building would not have a more adverse effect on the living conditions of nearby residential properties, since the nature of occupation of an office building would not result in more loss of amenity than a leisure use. The traffic generation and parking demand of the proposed employment use are not likely to be significantly greater than the existing use and as such there would not be an undue increase in noise or disturbance for local residents. In fact except in times when the overflow parking contingency plan is required the proposal would potentially move the sports facility parking and its access away from Stoney Lodge to the new parking location. Currently the parking can take place adjacent to the existing building and closer to Stoney Lodge with the potential for associated disturbance. Overall I am satisfied that the residential amenities of properties in the locality of the site would not be unreasonably affected by the development.

Section 106

The proposed office use would attract a requirement for contribution towards improvements to public transport, cycling and pedestrian facilities along the local transport corridor of the A52 and Nottingham Road. The proposal is appropriate for a scheme of public art to be commissioned for the site, since there would be public access to the sports facilities on the wider site. Alternatively a financial contribution would be provided for the provision of an art work elsewhere. The applicant is a local company which would provide employment on the site. An agreement to maximise recruitment and training opportunities for local unemployed people would be secured with the applicant. It would be beneficial to secure the retention and long term use of the existing sports and leisure facilities for the local community through a legal agreement and discussions are ongoing with the applicant to achieve this. The remaining Heads of Terms have been agreed with the applicant, as owner of the land. All of the above would be secured through a Section 106 Agreement.

11. Recommended decision and summary of reasons:

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

11.2. Summary of reasons:

The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material considerations. The proposed office use and associated parking would maintain the openness of the Green Belt and preserve the visual amenities of the surrounding area. The

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proposal would also not unreasonably affect the amenities of nearby properties.

11.3. Conditions

1. Standard condition 20 (landscaping scheme – and shall be implemented in accordance with the approved details)
2. Standard condition 22 (landscaping maintenance – Condition 2)
3. Standard condition 30 (hardsurfacing)
4. Standard condition 38 (drainage scheme – and shall be implemented in accordance with the approved details)
5. 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 arboricultural method statement submitted in support of the application. Tree protection shall also accord with the following requirements:
 - A. Scheme of protection shall be submitted to and agreed in writing before any development commences.
 - B. 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.
 - C. 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, until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.
6. Standard condition 98 (Travel plan)
7. Standard 100 (Soil contamination and remediation)
8. The details to be submitted under Condition 4, shall include a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Details of how the scheme shall be managed following implementation of the approved drainage scheme, shall be submitted to and approved in writing by the Local Planning Authority.
9. A scheme of overspill parking for the use of the sports clubs on the site, for occasions of high attendance, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall identify areas to be used, including the office car park, the circumstances of shared use and how such parking provision is to be accessed and secured. In the event, that such a shared parking scheme is not required; the agreement of the Local Planning Authority shall be sought before such an arrangement is ceased.

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10. Detailed plans showing the design, location and materials to be used on all boundary walls/fences/ gates and external lighting on the office car park, access road and sports facilities car park shall be submitted to and approved in writing by the Local Planning Authority before development is commenced and the development shall be carried out in accordance with such detailed plans.
11. The details of landscaping to be submitted under Condition 1 shall include planting of a tree to replace the Lime tree (T1) to be felled, with a similar species and in the vicinity of the existing tree, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The planting scheme shall be implemented in accordance with such approved details.
12. The development hereby permitted shall be carried out in accordance with the following approved plans:
4088 (10) sch2-102 Rev A, sch2 301, 3932-001, 3942 exg (fp0) 001, 3942 exg (fp1) 002, 3942 exg (elev) 003
13. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

11.4. Reasons:

1. Standard reason E09 – Policy GD4 & E23
2. Standard reason E09 – Policy GD4 & E23
3. Standard reason E21 – Policy GD3
4. Standard reason E21 – Policy GD3
5. Standard reason E24 – Policy GD2
6. Standard reason E47- Policy T1 & T4
7. Standard reason E49 – Policy GD2
8. Standard reason E21 – Policy GD3
9. Adequate parking provision for the use of the sports facilities may result in the need for additional shared parking, with the office use in the interests of highway safety – Policy T4
10. In the interests of visual amenity and community safety in the local area - Policies E23 & E24
11. To mitigate for removal of a protected tree, in the interests of visual amenity and tree health and in accordance with Policy E9 of the adopted City of Derby Local Plan Review.
12. For the avoidance of doubt.
13. 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.

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11.5. S106 requirements where appropriate:

Contribution towards Highway improvements to the A52/ Nottingham Road transport corridor, for public transport, cycling and pedestrians, public art, recruitment and training opportunities to be secured for local people and requirement to secure and retain the long term use of the existing sports and leisure facilities on the site.

11.6. Application timescale:

This application had a 13 week target date of 17 February 2010.

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