

# Item 9

## Derby City Council Planning Control Committee

16 December 2010

*Merry  
Christmas*



Development Control Report Of  
The Director of Planning and Transportation

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**Planning Control Committee 16 December 2010**

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8	73 - 80	10/10/01330	Unit 9 and land adjacent, Victory Court Development, Victory Road, Derby	Extension to industrial unit and formation of car parking area	<b>A. To authorise</b> 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.

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9	81 - 87	06/10/00788	14 Arlington Road, Derby (Twelve Trees)	Extensions to dwelling house (breakfast room, conservatory, kitchen, lounge, 2 bedrooms and 2 en-suite bathrooms) and formation of room in roof space (playroom)- amendment to previously approved planning application Code No. DER/09/09/01148	<b>To grant</b> planning permission with a condition to exclude the dormer extension in the side south-west roof plane facing no. 12 Arlington Road

## **Committee Report Item No: 1**

**Application No:** DER/07/10/00948

**Type:** Full –Article 4

1. **Address:** 158 Mansfield Road, Derby

2. **Proposal:**  
Installation of windows in the front elevation

3. **Description:**

158 Mansfield Road is a two storey Victorian terraced house located in a prominent position on the major road through the Little Chester Conservation Area. This proposal includes replacement of the 1970s top opening casement window on the first floor, and the original twin vertical sliding sash windows on the ground floor.

This application is a resubmission of the previously refused application DER/01/10/00009 which had been refused for the following reason:

*The proposed replacement windows fail to preserve or enhance the appearance and character of the Little Chester Conservation Area and are, therefore, contrary to Policy E18 of the adopted City of Derby Local Plan Review.*

The revised application shows the first floor window is to be replaced by a painted softwood casement window with hardwood cills and is now shown with the horns removed. The proposed ground floor windows are now to be painted rather than stained however no other details have been altered from the previous scheme. The existing stone cills, lintel and mullion on both windows are to be retained.

It would be preferred to see the repair and retention of the original windows, which can be upgraded for improved movement and thermal efficiency; however, this had already been discussed with the applicant prior to the refusal of the previous application.

4. **Relevant Planning History:**

**DER/01/10/00009-** Installation of windows in front elevation- **refused** for the reason given above.

5. **Implications of Proposal:**

5.1 **Design and Community Safety:**

Although the design is not preferred it is accepted that it is an improvement on the existing window at first floor.

5.2 **Highways:**

No Comment

5.3 **Other Environmental:**

No Comment

6. **Publicity:**

Neighbour Notification letter	7	Site Notice	-
Statutory press advert and site notice	Yes	Discretionary press advert and site notice	-
Other	-		



## **Committee Report Item No: 1**

**Application No:** DER/07/10/00948

**Type:** Full –Article 4

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

### **7. Representations**

No representations received

### **8. Consultations**

#### **8.1. Conservation Area Advisory Committee:**

The Committee objected and recommended refusal on the grounds that the design of the replacement windows are of a non-traditional form which by virtue of the form of construction and top opening nature would be an inferior type of window replacement that would set an undesirable precedent for similar schemes of window replacement and would therefore, fail to preserve or enhance the appearance or character of the Conservation Area. No objection was raised to the proposed replacement ground floor windows.

#### **8.2. Built Environment Team:**

No objection subject to conditions

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

GD4	Design and the Urban Environment
GD5	Amenity
E18	Conservation Areas
E23	Design
H16	Housing Extensions

*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:**

In relation to the ground floor windows the only amendment is the proposed paint finish however no further amendments have been made from the previous scheme. No objections had been raised to these windows therefore I am satisfied that provided the conditions attached can be met the replacement of these windows is considered acceptable in relation to Policies GD4, E18 and E23 of the City of Derby Local Plan Review.

In relation to the first floor window the horns previously shown have now been removed which would improve the appearance of this window considerably. Although a vertical sliding sash window design would be preferred by both the Local Authority and the Conservation Area Advisory Committee, PPS5 advises that we should seek improvements where possible. Therefore on balance as the replacement is a slight improvement to the existing it is considered that this window would have a neutral impact on the character and appearance of the Conservation Area, therefore no objections are raised.

Conditions have been suggested in order to obtain further information regarding the joinery details for the new windows and to ensure that the windows sit within the aperture. Although this information has been submitted in written form further details

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are required. The paint colour of the windows is also to be conditioned. Provided these conditions can be met I am satisfied that the proposal meets criteria set out in Policies GD4, E18 and E23 of the City of Derby Local Plan Review.

Overall I feel that the proposal is now acceptable and amenity will no longer be unreasonably affected. The proposal reasonably satisfies the requirements of local plan policies set out in the City of Derby Local Plan Review 2006 and as I have said would have a neutral impact on the character and appearance of the conservation Area and as such it is recommended to grant planning permission conditionally.

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

**11.1 To grant** planning permission with conditions.

#### **11.2. Summary of reasons:**

The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9 above. The proposal is an acceptable form of development in relation to the conservation requirements of the Little Chester Conservation Area.

#### **11.3 Conditions**

1. Before any work is carried out further precise details of the following are to be submitted to and approved in writing by the Local Planning Authority:
  - (a) Joinery details at an appropriate scale (to ensure the sectional and moulding details are acceptable)
  - (b) Details showing how the windows are proposed to sit within the window aperture
  - (c) Paint colour

#### **11.4 Reasons**

1. In order to safeguard the character and integrity of the building in the street scene in accordance with policy E18 (Conservation Areas) of the adopted City of Derby Local Plan Review.

#### **11.5 Informative Note:**

The applicant should be aware that the annotated photographs previously submitted as part of previously refused application DER/01/10/00009 would be considered sufficient in order to discharge part (a) of Condition 1.

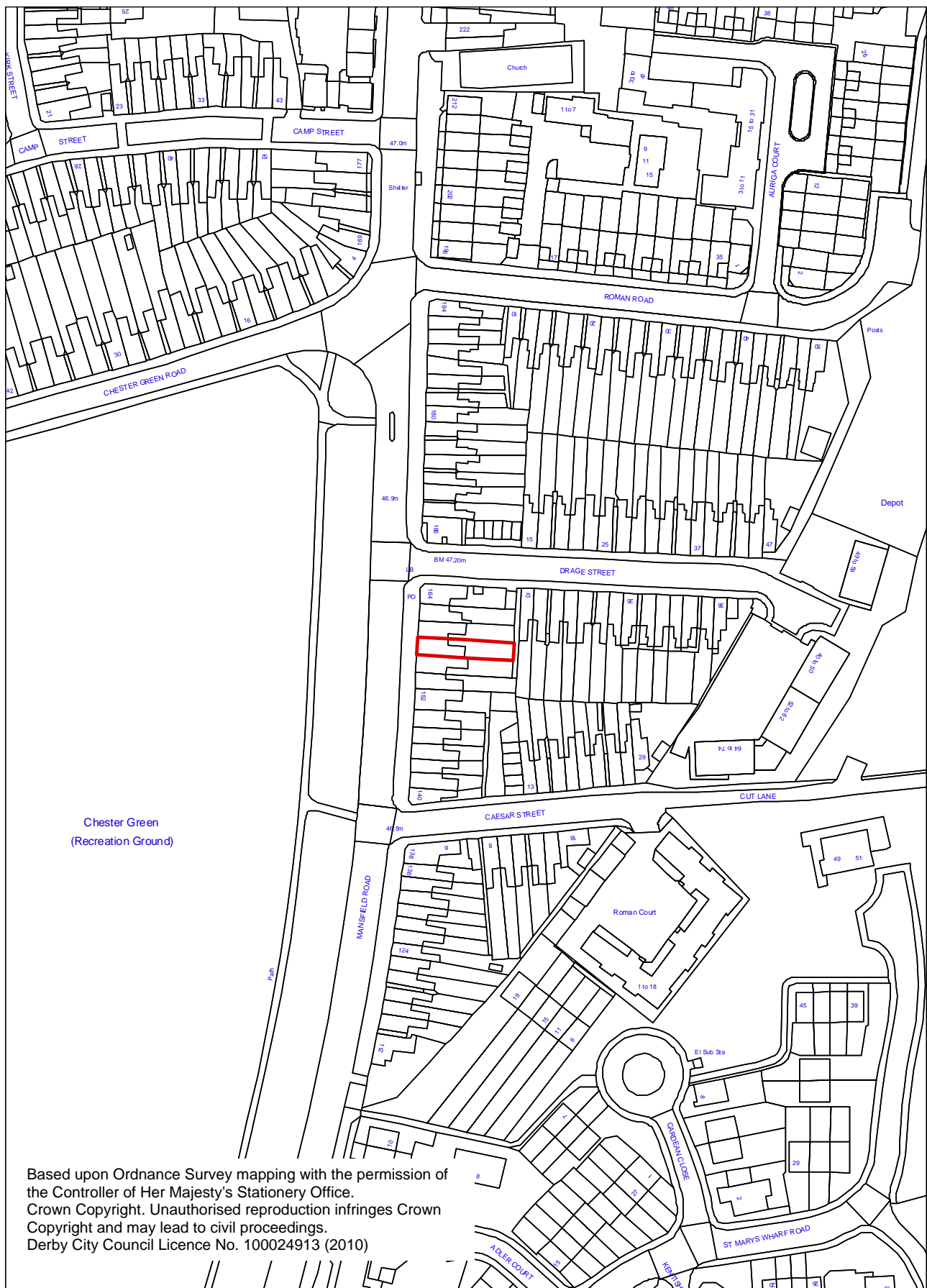
#### **11.6 Application timescale:**

The application has exceeded its expiry date of the 22<sup>nd</sup> November, 2010 due to further discussions with the applicant and the requirement for the application to be heard at Full Planning Committee.

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**Type:** Full –Article 4



## **Committee Report Item No: 2**

**Application No:** DER/10/10/01239/PRI

**Type:** Outline (all matters reserved)

1. **Address:** Land at side of 255 Keldholme Lane, Alvaston, Derby

2. **Proposal:** Residential Development

3. **Description:**

The application is submitted in Outline only with all matters reserved.

The land is situated in a prominent position and is highly visible in the street scene from both Keldholme Lane and Hilderstone Close. The site is situated to the south of 255 Keldholme Lane and is currently used as residential garden space for this dwelling. There are three trees on site that are indicated to be removed.

The existing house is a one bed dwelling, single storey at the front and two storey at the rear, with an asymmetric pitched roof of interlocking concrete tiles.

The street scene is made up of a mixture of house types including detached, semi detached and terraced properties. The site is approximately 0.020ha and is bordered at present by 2m fencing between the site and the highway along Hilderstone Close. It is noted that there is a grassed area between the fencing and highway that might appear to be in the ownership of the Highways Authority however after further investigation it has been confirmed that the land is owned by a private party.

4. **Relevant Planning History:**

No relevant planning history

5. **Implications of Proposal:**

5.1. **Economic:**

Not applicable

5.2. **Highways – Development Control:**

No significant highway implications, and in view of this, no objections.

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

Any new dwellings will have a degree of accessibility through compliance with Building Regulation Guidance.

5.4. **Other Environmental:**

No relevant comment

6. **Publicity:**

Neighbour Notification Letter	17	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.*



## **Committee Report Item No: 2**

**Application No:** DER/10/10/01239/PRI

**Type:** Outline (all matters reserved)

### **7. Representations:**

Four letters of objection have been received from neighbouring residents outlining the following concerns:

- Removal of trees on site is considered unacceptable
- Increase in vehicles would increase the existing parking problems
- Visibility from the proposed drive would be hampered by the existing fence and property
- The additional dwelling would be for commercial gain with no regard to the existing residents.
- Insufficient details due to the outline nature of this application

*These representations have been reproduced in this report*

### **8. Consultations:**

#### **Environmental Services (Trees):**

There are three trees on this site that are proposed to be removed. The tree in the rear garden is a Dawn Redwood, and from a limited inspection this is a young healthy specimen with undoubted visual amenity which will be enhanced in time by future growth. The tree adjacent to the property (Mountain Ash) is not so important but does have some value within the street scene. The Silver Birch on the frontage, whilst being very prominent on Keldholme Lane is only of moderate value due to the level of previous tree work carried out. However, there is scope for this tree to be retained. This tree is adjacent to the main entrance to the proposal, as such the Root Protection Area would need to be accurately calculated to ensure there is no excavation in this area, and thus the appropriate tree protection measures put in place. Therefore confirm objection to the proposal on the grounds of tree loss without any arboricultural justification.

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

GD4	Design and the Urban Environment
GD5	Amenity
H13	Residential Development- General Criteria
E9	Trees
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 principle of residential development on this site is acceptable as it is within a predominantly residential area. Due to the amended details of PPS3 (Housing) the site would now be classified as Greenfield land within the existing built-up area; it therefore accords with the principles of both Local and National Guidance. There

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**Type:** Outline (all matters reserved)

would be no significant loss of countryside or important landscape and natural history features.

Although objections have been raised by neighbouring residents and the City Councils Arboricultural Team in relation to the removal of the existing trees on site it must be noted that the trees in question are not statutorily protected therefore a refusal based on the loss of these trees would be difficult to sustain at an appeal.

The site is not within any defined Environment Agency flood zone and adequate drainage of the site would have to be demonstrated in discharge of condition on a Reserved Matters application, if granted. The amenity of surrounding properties would not be materially affected if only one dwelling were permitted; however, this would be subject to a Reserved Matters application.

With regard to highway implications a number of neighbouring residents have raised concerns regarding the increase of vehicles and visibility from the possible access however it must be noted that any plans indicating access or parking are indicative therefore these issues cannot be assessed as part of this outline application and would be subject to a Reserved Matters application. Informative notes are to be included to ensure the applicant is aware that utilities are located in proximity to the indicative access and to ensure they are also aware of the required dimensions for any garage on the site.

One objector has raised concerns in relation to the 'commercial gain' resulting from an additional dwelling however this not a matter for consideration through the planning process.

Overall it is felt that the proposal is acceptable and amenity will not be unreasonably affected at this Outline stage. The proposal reasonably satisfies the requirements of local plan policies set out in the City of Derby Local Plan Review 2006 and as such it is recommended to grant planning permission conditionally.

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

**11.1. To grant** planning permission with conditions.

#### **11.2. Summary of reasons:**

The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9 above. The proposal is an acceptable form of development in residential amenity terms at this Outline Stage.

#### **11.4 Conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:..... 576.01 received - 26/10/2010, 576.03 received 11/10/2010
2. Details of the following matters (hereafter referred to as the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:
  - a. The layout, scale and appearance of the buildings
  - b. Details of access arrangements;

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**Type:** Outline (all matters reserved)

3. Application for the approval of the reserved matters shall be submitted within three years from the date of this permission and the development shall be begun within five years from the date of this permission or two years from the approval of the last of the reserved matters, whichever is the later date.
4. As part of any Reserved Matters application an accurate site survey showing all the existing trees, shrubs and hedges on and adjacent to the site shall be submitted, with or before the submission of detailed plans of the proposed development, to the Local Planning Authority and be approved by it in writing. The survey shall show the position, species, crown spreads and approximate heights of all the trees, shrubs and hedges and their apparent condition.

### **11.5 Reasons**

1. For the avoidance of doubt
2. The application was submitted in outline only.
3. As required by Sections 91 - 92 of the Town and Country Planning Act 1990.
4. To enable the Local Planning Authority to have regard to these features in the interests of visual amenity and wildlife preservation and to meet the requirements of Section 197 of the Town and Country Planning Act 1990....policy E9

### **11.3. Informative Notes:**

1. The applicant should be aware that utilities are located in proximity to the indicative access therefore it is advised that the City Councils Highways Department should be contacted on:..... prior to the submission of a Reserved Matters application.
2. The applicant should be aware that any garage that may be part of a Reserved Matters application should have the internal dimensions of a minimum of 3x6 metres in order to facilitate the access/egress of passengers and vehicles.

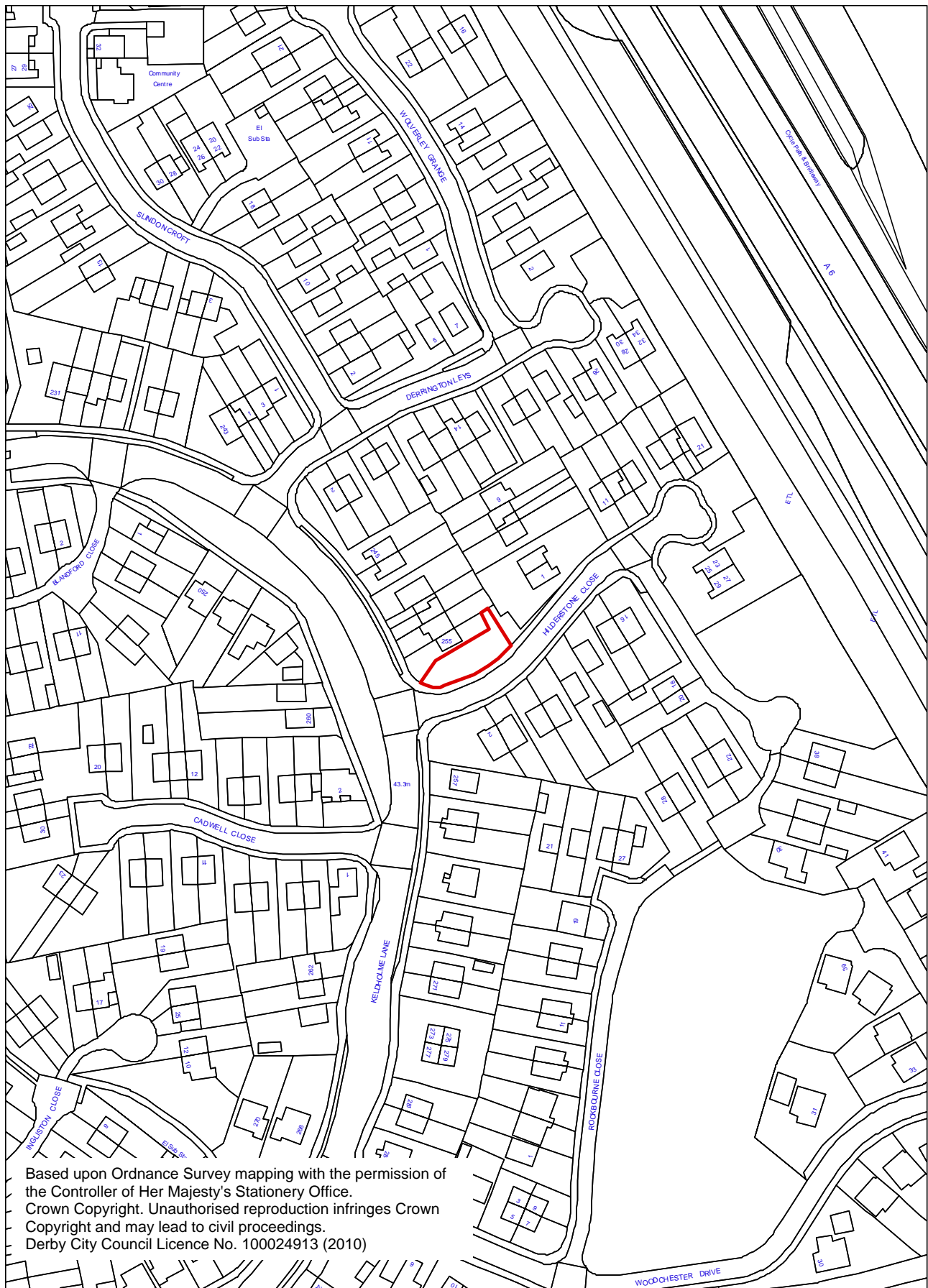
### **11.4. Application timescale:**

This application has an expiry date of the 21<sup>st</sup> December, 2010 and will therefore be heard at Committee prior to this date.

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# Enclosure

10 Hiederskone close,

10/10/1239

23 NOV 2010

23 NOV 2010

DEPT: OSA

21-11-10

Dear MS. Nightingale,

Re: Application

Re. Application

No. DER/10/10/01239/PRI. I note from the planning application that the owner intends to remove two semi-mature trees from the site which I consider to be unacceptable. I feel that trees should be conserved. Also, the layout of the property shows that garage and drive access is in Hilderstone Close. As the house will probably be a two bedroom residence it follows that this will also mean two cars together with any visitors they (16)



# Enclosure

may have. Hilderstone Close is a narrow road where we already have parking problems with existing residents and visitors, and I consider that this will cause extra aggravation to our street.

yours sincerely

[Signature]

# Enclosure

## **Neighbour comments for Planning Application 10/10/01239**

**Site Address:** Land at side of 255 Keldholme Lane, Alvaston, Derby

**Comments received from:** Mr Bolton, 6 Hilderstone Close

**Type of Response:** OBJE

### **Comments:**

I formally object to this planning application on the following grounds; Firstly, the application does not include the finite detail on any proposed build and therefore the level of the impact of this application cannot be fully determined. This situation is compounded by the fact that a number of the drawings offered do not indicate any scale; drawing number 576.03 for example. I believe that a planning application should be based on defined parameters and not a subjective impression. I can confirm that my next objection is the position of the proposed driveway leading to Hilderstone Close. The vicinity of this particular proposal is invariably subjected to heavy parking/traffic and therefore, this position is not conducive to maintaining the healthy neighbourhood balance that is presently well managed by the street residents. There is a danger that health and safety concerns could be raised by creating a driveway with no clear exit due to the number of cars parked on this section of the street. I can also confirm my objection to the removal of the trees both within the existing garden and also outside the present boundary fence. I believe that the removal of the trees will be detrimental to the fabric of the neighbourhood environment that has been developed and nurtured over many years.

Wishes to speak at committee.

**Date Comments Accepted: 22/11/2010**

# Enclosure

## **Neighbour comments for Planning Application 10/10/01239**

**Site Address:** Land at side of 255 Keldholme Lane, Alvaston, Derby

**Comments received from:** Mr Wakelam, 8 Hilderstone Close

**Type of Response:** OBJE

### **Comments:**

The addition of a residential property at this location will have a detrimental impact on the residents of Hilderstone Close. Firstly, the access to the development will be via Hilderstone Close and the proposed location of the driveway will severely impede on available street parking. Also, visibility from the proposed drive would be hampered by the existing fence and the proposed property, thus causing a safety issue for pedestrians and road users. Additionally, the available area to swing onto/off the proposed drive is severely restricted when on street parking is being used. finally on the first point, if the proposed property occupants own more than one car, street parking will be used and at present the available space is used to capacity.

Secondly, the proposed development has highlighted the loss of three mature trees. These trees form part of the overall structure to our residential area. One tree in particular is of significant importance, this is the Dawn Redwood at the rear of the existing property.

My final comment is that although the landlords of the existing property have invested significantly in the improvements to the dwelling the addition of another property in such a small space is purely for commercial gain with no regard made for the existing residents.

This concludes my objection to the proposal

Does not wish to speak at committee.

**Date Comments Accepted: 22/11/2010**

# Enclosure

## **Neighbour comments for Planning Application 10/10/01239**

**Site Address:** Land at side of 255 Keldholme Lane, Alvaston, Derby

**Comments received from:** mr claxton, 4 Hilderstone Close

**Type of Response:** OBJE

**Comments:**

i object in principal due to the general possible congestion should the property have more than one car. One car would go on the drive and the other i would presume park on the corner , this may inturn make it difficult for access in and out of my property

Does not wish to speak at committee.

**Date Comments Accepted:** 24/11/2010

### **Committee Report Item No: 3**

**Application No:** DER/10/10/01318

**Type:** Telecommunications  
Prior Notification

1. **Address:** Land adjacent to car park, east corner of Park Farm Drive, Allestree

2. **Proposal:**

Erection of 14.8 metre high monopole, antennae and equipment cabinet

3. **Description:**

This prior notification application has been submitted under Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001. It seeks to determine whether prior approval is required for the siting and appearance of a telecommunications mast proposed along Park Farm Drive, Allestree.

The application site comprises an area of highway verge to the south east of Park Farm Shopping Centre. The development would be situated on the pavement adjacent to Park Farm Drive, to the south of a 90 degree bend in the road. The surrounding area is characterised by a mixture of both commercial and residential development. Directly to the east and west of the site is a large car park, which serves the nearby shopping centre. Beyond this are the residential properties fronting Ferrers Way, Farnway and Whiteway. To the north and west are a number of taller apartment buildings and, approximately 55m to the south of the site, is Lawn Primary School.

The proposed mast would be a single slim lined monopole structure. It would have three antennae mounted within a cylindrical shroud on top and would extend to a total height of 14.8m. The exterior of the mast would have a galvanised finish. The associated ground level equipment would take the form of two 1m high bollards, a 7.5m long safety barrier and a 1.8m by 0.7m, by 1.6m high, equipment cabinet (it should be noted that as the cabinet has a volume of less than 2.5 cubic metres, it is not subject to prior approval by the authority and has been submitted for information only).

Vodafone and the Telefonica Group, who operate O2, have formed a strategic partnership to share mobile assets. Their engineers have identified this area of Allestree as an area where the existing signal strength is insufficient to support network requirements. The proposed telecommunications equipment is required to provide 3G telecommunications coverage in this part of Allestree, which in addition to voice services, would allow the code system operator to offer high resolution video and multi-media applications enabling, amongst other things, virtual banking, e-retailing and high quality broadband internet access to be provided on the move. These types of radio base stations are designed to provide a service via a number of interconnecting cells. The submitted technical information explains that such structures must be located where the local demand exists in order to provide the required level of service.

The installation has been designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP), as expressed in the EU Council recommendation of 12 July 1999. An ICNIRP certificate accompanies the application.



### **Committee Report Item No: 3**

**Application No:** DER/10/10/01318

**Type:** Telecommunications  
Prior Notification

**4. Relevant Planning History:**

None relevant to this particular application

**5. Implications of Proposal:**

**5.1. Economic:**

None directly arising.

**5.2. Design and Community Safety:**

Monopoles were developed to replicate, in terms of general impact, the design of lighting columns, of which there are already a number within the vicinity of the site. Given the slimline design of the equipment proposed and its proposed siting, I do not consider it would unreasonably impact upon visual amenities or the surrounding environment.

**5.3. Highways – Development Control:**

The position of the new apparatus is satisfactory in highway terms and consequently no significant highway implications are raised.

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

No issues.

**5.5. Other Environmental:**

In health terms, the proposal is certified as being in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP).

**6. Publicity:**

Neighbour Notification Letter	187	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 total 15 letters/emails of objection have been received together with a petition containing 225 signatures. The main issues raised are summarised below:

- The proximity to Lawn Primary School, residential properties and the nearby church
- Health concerns
- Concerns regarding interference with television and radio reception
- Visual impact/increased street clutter
- The land is privately owned and may be redeveloped
- Need – there are no problems with mobile phone signals in the area
- Impact upon property values

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Prior Notification

*Copies of all the representations are available to view on the Council's eplanning service:- [www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*

### **8. Consultations:**

#### **8.1. Environmental Services - Pollution:**

As the proposal is accompanied by an ICNIRP certificate this confirms that the proposal is in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP) and no Environmental Health related objections are made.

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

E28      Telecommunications  
PPG8      Telecommunications

*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:**

#### **Planning Policy**

Policy E28 (Telecommunications) of the adopted CDLPR states that planning permission will be granted subject to assessment against the following criteria:

- a. Impact upon amenities and the surrounding environment, with consideration given to sensitive areas, screening and landscaping.
- b. There is no possibility of erecting the mast upon existing buildings or sharing mast facilities.
- c. The proposal should not unacceptably inhibit development potential.

Policy E28 of the adopted CDLPR is applicable, even though this application seeks prior notification approval for the proposed development and not planning permission. The policy makes it clear that, unless there are conflicting material considerations relating to criteria a, b or c above, permission should be granted where there is an application for permission, or that the Local Planning Authority should not refuse prior notification cases on location and appearance grounds. This is consistent with Government advice in PPG8 which seeks to encourage development of the telecommunications network.

#### **Health Considerations**

A number of the reasons for objection relate to the fact that this is a residential area, I note these concerns, however, there is a need for this type of telecommunications equipment to be situated within urban residential locations to ensure appropriate coverage. Moreover, in the location proposed the mast would not be located directly adjacent to residential properties, as it is surrounded by a car park and the highway. PPG8 notes that many antennas have special siting needs, because they have limited ranges or line-of-sight requirements. It states that authorities should take account of these needs and acknowledges that the greatest need for base station sites is usually in built-up areas where there is the greatest density of mobile users,

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**Type:** Telecommunications  
Prior Notification

and within a mile of two of main roads, where the demands on network capacity are greatest. If the mast were to be situated outside the residential area it is intended to serve, the network would not function.

The possible health implications of the proposed development are clearly an issue of concern raised by many local residents and, in this regard, the advice contained within PPG8 on this matter is very clear; if an application (or notification) is certified to meet International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, it should not be necessary for a local planning authority to consider further the health aspects and concerns about them. Moreover, case law (e.g. Harrogate 2004 before the Court of Appeal) has reinforced the requirement of local planning authorities to assess telecommunications proposals on siting and visual amenity grounds alone.

Many of the objections relate to the proximity of the mast to Lawn Primary School, which is located some 55m to the south. However, based on the advice contained with PPG8, I have no doubt that if the local planning authority objected to an ICNIRP-certified proposal on health grounds; it would find itself stranded, unable to produce any credible professional witness, on appeal. Whilst impact on health can be a material consideration for any planning application, it is only in exceptional circumstance that the planning process should conclude that health concerns are an overriding consideration. As advised by PPG8; if an application (or notification) is certified to meet ICNIRP guidelines the local planning authority should not seek to challenge this. As health impact is, primarily, a matter for Central Government.

### **Visual Amenities and the Environment**

The telecommunications industry has developed these types of monopole masts, which are slimline with limited overall mass, to replicate the design of street furniture, such as lighting columns. This is to reduce overall visual impact so that these types of developments are less imposing within street scenes. As there are already a number of lighting columns within the vicinity of the site the proposal would not introduce an isolated vertical feature into the locality and, although the mast would be approx. 5m taller than nearby lighting columns, in context to the scale of nearby buildings the proposal is not considered to be unduly obtrusive. The use of a galvanised finish on the exterior of the mast is considered to be appropriate, as this would correspond with the finish of nearby lighting columns.

Whilst the mast would be visible along Park Farm Drive, it would be well screened from wider public vantage points by the shopping centre and other nearby buildings. I acknowledge that mast would be a prominent feature within the street scene, however, given the slimline design of the equipment proposed and the surrounding context, I am satisfied that the proposal would not have any unreasonable impact upon visual amenities or the surrounding environment.

### **Mast-Sharing and Erection upon Existing Buildings**

The proposal would involve mast sharing and therefore would limit the need for both Vodafone and O2 to erect individual masts within the vicinity, this is to be welcomed and would avoid street clutter. Four alternative sites investigated by the applicants were considered to be inappropriate, due to operational difficulties or lack of interest by the land owners.

## **Committee Report Item No: 3**

**Application No:** DER/10/10/01318

**Type:** Telecommunications  
Prior Notification

### **Highway considerations**

The proposed monopole would be sited on highway verge and there are no objections to the proposal on highway visibility grounds. I conclude, therefore, that the Local Planning Authority should not seek to control the siting and appearance of the equipment.

### **Other Issues**

With regards to impact upon property values, PPG8 notes that authorities may receive representations about alleged impact of proposed telecommunications development on property values, however, it is not for the planning system to protect the private interests of one person against the activities of another. Although in a particular case considerations of public interest may serve to protect private interests, the material question is not whether a particular development would cause financial or other loss to owners and occupiers of the neighbouring property, but whether the proposal would have a detrimental effect on the locality generally, and on amenities that ought, in the public interest, to be protected.

With regards to possible interference with television and radio reception, as the telecommunications company have purchased a section of the radio spectrum, interference with functions transmitting on other spectrums should not occur.

I have noted the comments made regarding possible development of the car park at Park Farm Centre, however, as the mast would be situated on the highways edge, I am satisfied that the proposal would not inhibit any future development of the site as a whole.

### **Conclusion**

It is clear that local residents have strong objections to this equipment and its siting, however, for the reasons given above, I consider that the siting and design of the equipment are consistent with local and national planning policy and do not feel that a comprehensive case could be put forward to offer grounds on which to object to the prior notification. I, therefore, conclude that the local planning authority should not seek to control the siting and appearance of the equipment.

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

**11.1.** That the City Council does not wish to control the details of siting and appearance and **to raise no objection** .

### **11.2. Summary of reasons:**

The proposal has been considered against the City of Derby Local Plan policy and against Planning Policy Guidance Note 8. It constitutes a telecommunications development that would improve the network in this part of the city without having a significantly detrimental effect upon local amenities.

### **11.3. Informative Notes:**

n/a

### **11.4. S106 requirements where appropriate:**

n/a

**Committee Report Item No: 3**

**Application No:** DER/10/10/01318

**Type:** Telecommunications  
Prior Notification

**11.5. Application timescale:**

The 56 day period expires on 21 of December after which time the proposal is 'deemed to be approved' unless a 'refusal' has been issued.



### **Committee Report Item No: 3**

**Application No:** DER/10/10/01318

**Type:** Telecommunications  
Prior Notification



## **Committee Report Item No: 4**

**Application No:** DER/10/10/01328

**Type:** Full (Reg 3)

1. **Address:** Land at Bass Recreation Ground, adjacent St. Alkmunds Way

2. **Proposal:**  
Formation of Skate Park

3. **Description:**

This is an application for construction of a skate park on the Bass's Recreation Ground, east of St. Alkmunds Way. Bass's Recreation Ground is an important public open space, close to the city centre and on the northern edge of the Castle Ward area. The River Derwent runs along the north east boundary of the recreation ground and the site lies just north of the Cock pitt and Station Approach. The skate park would be sited on an open grassed area of the recreation ground, which is gently undulating and enclosed by dense groups of trees. The open space is crossed by footpaths and cycle routes on its west, east and south perimeters, which would provide access to the proposal for users, from the city centre and the railway station.

The proposed skate park is to provide a significant recreational facility for use by skate boarders and BMX riders. It is envisaged that the facility could play host to events and competitions. The design of the skate park has been evolved in consultation prior to the application being submitted, with young people and user groups involved in skate boarding and BMX riding. Key considerations included the need for varied and creative layouts for different abilities, combinations of obstacles and efficient use of space to create a facility that is appealing to users and has longevity.

The facility would be of concrete construction and cover an area of approximately 800 square metres. It would comprise various elements, including a mini ramp, steps, ramps and street features. Short sections of railings would be incorporated into the structure. The skate park would be set into the sloping ground levels across the site. New mounding would be formed to the south and east of the facility, which could be used as a viewing platform for events. A short stretch of footpath and seating area would be formed on the north side of the skate park to link with the existing path along side St. Alkmunds Way.

4. **Relevant Planning History:**

None relevant.

5. **Implications of Proposal:**

**5.1. Economic:**

The proposal would be a recreational facility for the public use of skate boarders and BMX riders. It would be available for use at all times, although it is estimated the busiest periods would be at weekends. The facility could accommodate a maximum of 200 users, although regular peak usage is likely to be around 30 to 40 users. It is also proposed that the site would be a venue for local and regional events, training and demonstration sessions.

**5.2. Design and Community Safety:**

The design and siting of the skate park has been influenced by the following criteria:

## **Committee Report Item No: 4**

**Application No:** DER/10/10/01328

**Type:** Full (Reg 3)

- To allow natural surveillance from adjacent footpath and St. Alkmunds Way
- To be accessible from the footpath and cycle network
- To be integrated into the landscape through use of ground contours and mounding
- Avoiding impact on the main events area on the recreation ground
- Maintaining existing trees
- Avoiding impact on nearby wildlife and nature conservation sites
- Allowing for any future development/ landscaping works as part of the Castle Ward Area Action Plan.

The skate park is likely to generate significant visits to the recreation ground to use the facility. This increase in usage of the recreation ground is by virtue of greater numbers of people on the site, particularly during the daytime, likely to improve public safety in the vicinity. There are no immediate plans to provide a lighting scheme for facility and as such it is only likely to be used during daylight hours. Any lighting scheme, secured under this proposal would only apply to the skate park itself and not to the existing paths to and from the site. On the basis that the proposal is only likely to be utilised in daylight, I am satisfied that it would provide a reasonably safe environment for users and I am satisfied that community safety in the locality would not be undermined by the development.

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

The site is located in close proximity to the city centre rail and bus links, cycle routes as well as public car parks. There is an existing vehicle and pedestrian access to the site off St. Alkmunds Way, with on-site parking facilities for construction and maintenance traffic. Support the provision of cycle parking facilities on the site. No highway objections subject to agreement of details for cycle storage.

### **Highways – Land Drainage:**

Whilst parts of the Rec are at risk from flooding, the area under consideration is further to the north and is generally less at risk. Furthermore, the proposal is for an outdoor sports and recreation facility which is classified as “water compatible” under PPS25. No adverse implications arising from the proposal.

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

In principle the proposal would be an accessible facility.

### **5.5. Other Environmental:**

The site comprises landscaped grounds, with groups of trees and undulating mounds. There are sites of nature conservation interest in the surrounding area along the River Derwent and Mill Fleam to the south. These wildlife sites would not be affected by the development.

**Committee Report Item No: 4****Application No:** DER/10/10/01328**Type:** Full (Reg 3)**6. Publicity:**

Neighbour Notification Letter		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:**

482 online comments of support and 5 of comment have been received in response to the application. The main comments raised are as follows:

- Good use of the space
- Great facility for skate boarders and BMX's
- Need for decent skate park in the city
- Would be asset to the community and bring visitors
- Encourage more children to get involved in activities
- Put the city on map for skate board facilities
- Central and accessible location is ideal for providing safe facilities for young people
- Would stop skaters and BMX riders using city centre spaces.
- Current facilities are of limited quality, particularly since closure of Storm indoor facility and young people travel long distances to skate parks elsewhere in the country

*All copies of the representations are available to view on the Council's eplanning service. [www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*

**8. Consultations:****8.1. Natural Environment:**

To be reported orally

**8.2. Environmental Services-Trees:**

The fencing to protect the trees is included on the submitted plans and does appear to be adequate.

Suggest a condition that written notification is provided, confirming that the fencing has been erected to BS5837 as shown on the submitted plan, and that this notification be sent before any construction traffic and or materials arrive on site.

**8.3. Environmental Services-Parks:**

To be reported orally

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**Type:** Full (Reg 3)

### **8.4. Environmental Services-Sport & Leisure:**

To be reported orally

### **8.5. Chief Executive's Office-Regeneration:**

Bass's Recreation Ground is earmarked as the major open space allocation for the Castleward Urban Village development in the City Centre Eastern Fringes Area Action Plan (CCEFAAP). It is a large open space on the edge of the ring road and a much needed amenity for the city centre as well as the new communities in the Castleward area. It is very important that the proposal for the skate park is coherent with the future aspirations for the Castle Ward Urban Village scheme and the area as a whole.

Consideration of the setting and size of Bass's Recreation Ground, the location of the skate park and its orientation in relation to the rest of the park, as well as safe access points should be closely considered. Alternative positions in the recreation ground should be debated with appropriate wide ranging internal consultation and ideally the park should be designed as a whole with the skate park as part of it.

The provision of a leisure feature likely to attract users from a wide area should bring benefits to the economic and cultural life of the city. The extent of consultation with the users has been commendable and a feature which is well used should assist the regeneration of the underused and isolated park.

On a detailed urban design note, while concrete seems to be the most robust and hard wearing material, its impact on a very important green amenity space in the city should be considered carefully. The use of tarmac on the footpath link connecting the skate park with the existing northern path should be reconsidered and alternative, more environment friendly sustainable draining materials (SUDs), such as resin bound gravel, considered.

Considering the unrestricted use of the skate park at all hours, lighting would allow a longer safer use for all and greater regeneration benefit. However, if funding is not currently available, given its location close to a main highway which is well lit, other funding sources could be investigated at a later date when more comprehensive facilities come forward.

In principle, the provision of a skate park should aid the regeneration of this park, subject to the detailed comments

### **8.6 Environment Agency:**

Do not wish to comment.

### **8.7 Derbyshire Wildlife Trust:**

Note that the proposal would avoid existing trees and is unlikely to impact on sites of nature conservation interest at Mill Fleam and the River Derwent.

### **8.8 Police Liaison Officer:**

The site is open in character and away from dense tree lines and foliage. It is a good location on the recreation ground land for a facility to be built. It does have limited passive surveillance from vehicles on the adjacent road network and road lighting light spill illumination, but does not have beneficial activity and constant natural surveillance, which when missing from the built



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environment can be conducive to creating ideal conditions for anti social behaviour, including bullying, vandalism and personal theft, to occur especially in an area designed for youngsters to have good reason and purpose to congregate.

The high cost of some of the professional skate boards, skates and BMX cycles as well as personal property will provide the target and crime opportunities for miscreants to exploit. If a skater is to cycle to the park than the cycle needs to be stored safely whilst the facility is being used. Being chained to a rack still leaves the cycle exposed to wilful damage, unless a deterrent is provided.

In conclusion, as well as providing an exciting layout to attract use, I would strongly recommend that it has adequate lighting and CCTV coverage due to its slightly isolated location, good and extensive hidden escape routes for miscreants and crime risk. I am sure that it will be well used in the daytime and the more activity there is, the safer the place will be. However, the site and use cannot be time limited as an option without a secure boundary.

### **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
CC1	City Centre strategy
L1	Protection of parks and public open space
L6	Sports pitches and playing fields
E5	Bio-diversity
E6	Wildlife corridors
E9	Trees
E23	Design
E24	Community Safety
T7	Provision for cyclists

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

### **10. Officer Opinion:**

The proposed skate park would be a public recreational facility sited within an established area of public open space, which serves as a neighbourhood park for the city centre. Policy L1 allows for development for leisure or recreational uses of an open nature in locations such as this, provided that they are of a size and scale, which respects the character of the setting. Although, the proposal is of a substantial size relative to that of the recreation ground, the central location and accessibility to a facility which is likely to draw people from the whole city and beyond make it an appropriate site in locational terms. The skate park is designed to be a major attraction for skate boarders and BMX riders, which would host events and demonstrations. It is also intended to address an identified need for a city centre facility, in response to increased use of public spaces in the central area, for skating

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and BMX. This has led to damage to the public realm and concerns about anti-social behaviour. There is also a demand from skate boarders for a high quality facility in the city. The proposed site was identified following consultation with the interested parties and Members, as being suitable for a major skating facility.

To accord with Policy L1, the proposed development would be required to respect the setting and character of the open space. The structure would be of concrete construction with varying levels and outcrops, although integrated into the surrounding landscape, by being excavated in the ground and screened by new mounding around the south eastern side of the site. Its siting close to the Inner Ring Road, pedestrian and cycle routes, has an urban context and in this location the facility would not appear unduly out of place. On the basis of the design and setting of the scheme, I am satisfied that the proposal would not detract from the character or openness of the recreation ground.

The proposal would add a further recreational use to an important public open space in the city, which would increase visitor numbers to a currently underutilised space and complement its function as a recreational area. The main events area of the recreation ground, which hosts fairs and Derby Feste, lies to the south east of the application site and would not be prejudiced by the proposed facility. The site also lies outside the area of the open space covered by the historic covenant, which restricts its use to “public play and recreation”. Overall, the proposed skate park is considered to be an appropriate use within the open space.

The site is part of an area, covered by policies in the Council’s Eastern Fringes Area Action Plan, which is not adopted, although has material weight in consideration of this proposal. This plan indicates that Bass’s recreation ground would be subject to access and safety improvements to make the area more attractive to users. It is identified as the main public open space for the Castle Ward area. I am of the opinion that the proposal could be beneficial in terms of providing additional recreational facilities within the open space that would potentially attract a large number of users. I am satisfied that this scheme would not prejudice the long term aims and objectives of the policies for redevelopment of the Castle Ward area.

The proposal would be positioned on a grassed area of the recreation ground, which would not affect the existing groups of trees on the open space. The value of the wildlife corridors along the River Derwent and Mill Fleam would also not be undermined by the development. The requirements of Policies E5, E6 and E9 would therefore be adequately met.

The site is in a location identified as being at a medium risk of flooding, designated as Flood Zone 2. It is also in close proximity to the River Derwent. In such locations Policy GD3 requires that developments should not result in unacceptable flood risk for users or increase flooding in the surrounding area. The skate park would be of concrete construction and therefore result in loss of flood plain. However, the scheme incorporates soakaways to deal with surface water drainage and the facility would all be formed above the 1 in 100 year flood level. Subject to a suitable drainage solution being secured by a planning condition, recommended in the report, I consider that the potential flood risk can be appropriately mitigated. The provisions of Policy GD3 are therefore satisfactorily addressed by the proposal.

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In conclusion, the proposed skate park should be measured in terms of its potential benefits for provision of high quality facility for recreation in the city, in a highly accessible location and to address an identified anti-social problem in the city centre. This is then weighed against the impact on green space and possible reduced public safety on the existing open space. Overall, the scheme is considered to be appropriate in its design and local setting and to offer significant positive impacts, in terms of improving opportunities for public use of Bass's Recreation Ground.

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

**11.1. To grant** planning permission with conditions.

#### **11.2. Summary of reasons:**

The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9 above. The proposed recreational facility would be appropriate in this city centre location, would maintain the visual amenities of the streetscene and not adversely affect environmental features in the vicinity of the site.

#### **11.3. Conditions:**

1. Standard condition 03 (time limit)
2. Standard condition 100 (approved plans: )
3. Standard condition 70 (cycle parking details)
4. Standard condition 24 (tree protection measures)
5. Development shall not commence until precise details of landscaping mounds, including sections and layouts in the surrounding context, are submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with such agreed details.
6. Development shall not commence until a scheme of surface water drainage is submitted to and agreed in writing by the Local Planning Authority. This scheme shall include details of Sustainable Drainage features unless otherwise agreed in writing. The scheme shall be implemented in accordance with such agreed details

#### **11.4. Reasons:**

1. Standard reason E56
2. Standard reason E04
3. Standard reason E35 – Policy T7
4. Standard reason E24 – Policy E9
5. Standard reason E10 – Policies GD4 & E23
6. Standard reason E21 – Policy GD3

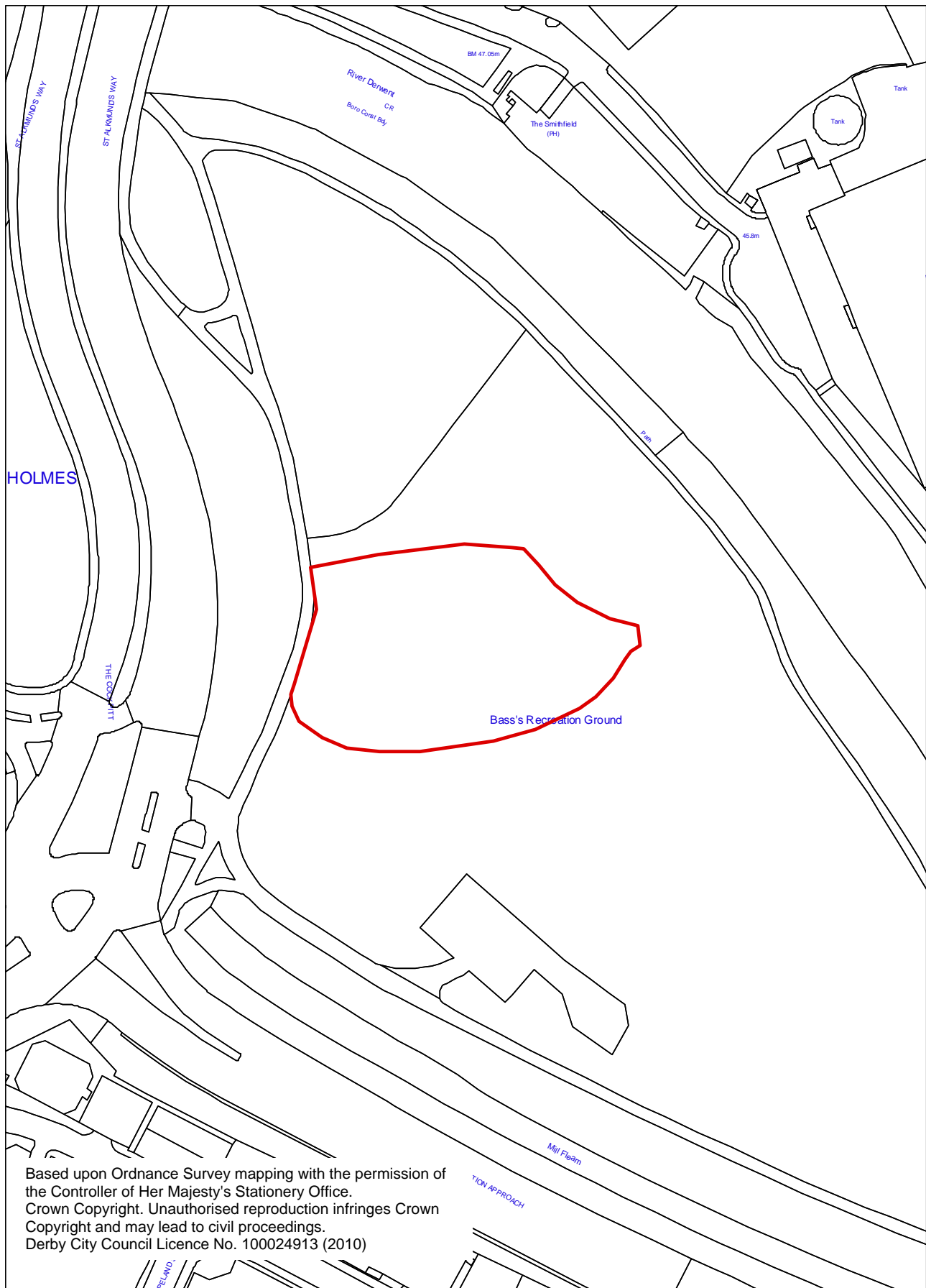
#### **11.5. Application timescale:**

The expiry date for determination of the application is on 31 December 2010 and is brought to committee due to number of objections.

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**Application No:** DER/10/10/01328

**Type:** Full (Reg 3)



## **Committee Report Item No: 5**

**Application No:** DER/05/10/00533

**Type:** Full

1. **Address:** 174 – 176 Normanton Road.

2. **Proposal:**

Use of roof space as a sheesha bar, and erection of pitched roofs and surrounding walls.

3. **Description:**

See previous report for background.

Amended plans have been submitted please see officer appraisal for revised details.

No re-notification has been made to third parties as the changes proposed are considered to be unlikely to affect the nature of the objections and support that the proposal has already received. Similarly the Police Liaison Officer has not been re-consulted, his previous views were unfavourable to this proposal but did not amount to a recommendation for refusal.

4. **Relevant Planning History:**

As per previous report

5. **Implications of Proposal:**

5.1. **Economic:**

As per previous report.

5.2. **Design and Community Safety:**

The revised proposals have been redesigned to fit better with the streetscene than the earlier submission.

5.3. **Highways – Development Control:**

As per previous report

**Highways – Land Drainage:**

-

**Highways – Structures:**

-

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

As per previous report.

5.5. **Other Environmental:**

None

6. **Publicity:**

Neighbour Notification Letter	8	Site Notice	
Statutory Press Advert and Site Notice		Discretionary Press Advert and Site Notice	
Other			

*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:**

See previous report

*All copies of the representations are available to view on the Council's eplanning service. [www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*

### **8. Consultations:**

#### **8.1. Environmental Services- Pollution:**

See previous report

#### **8.2. Environmental Services- Food Safety: Smoking in Buildings**

I have received comment on this proposal from Environmental Health with regard to its likely compliance with the Smoking in Buildings legislation. I am advised that the proposal as amended, and indeed as originally submitted, would not meet the guidelines and that it would not be allowed to operate. I understand however that this could be fairly easily remedied but would need a further redesign which would further alter the appearance of the building and would possibly affect the sound attenuation that could be achieved.

#### **8.3. Police Liaison Officer:**

See previous report.

#### **8.4. Other:**

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

See previous report

### **10. Officer Opinion:**

The alteration to the external appearance of the building, both in design terms and terms of the materials to be used would in my view result in an improvement to the proposal which should fit better with the character of the streetscene. The converse of this however is that with a higher roof, I have greater concerns about the massing and overshadowing impact of the proposal on neighbouring properties particularly to the neighbouring dwelling at 10 Belgrave Street, which will lose some of the sunlight that it currently receives over the top of the flat roof of the existing building, in the mornings. I do appreciate that historically, there would have been a two storey building on the application site presumably similar in character to the surviving adjoining properties at 170 and 172 Normanton Road, and that before this was demolished and redeveloped as a single storey flat roofed building, then sunlight would have been similarly obstructed and massing and overbearance to neighbouring properties may not have been so very different as would result if the current proposal were to be built. However, I consider that the proposal has to be judged by how it changes the existing situation, and not how it compares to a situation that existed many years ago.

The surrounding screen wall / noise attenuation wall is now to be constructed from brickwork and will have some articulation in the form of blind windows to overcome the monotony of a blank length of brickwork. In my opinion this is a significant visual

## **Committee Report Item No: 5**

**Application No:** DER/05/10/00533

**Type:** Full

improvement over the previous intention to use some form of sheet construction materials for the external acoustic walls.

The applicant has pointed out that it is no longer his intention to use the corner shop unit for serving of cold snacks and that there is no longer any intention to place tables and chairs in this unit which I assume will then only function as the main entrance and vestibule to the Sheesha bar above. His intention is to reduce the level of activity at this point in response to my concerns over night time activity within the street, which I have already suggested may be detrimental to the amenity of neighbouring residents. I cannot comment on how successful this would be but still consider that the proposal would be likely to have a detrimental affect on neighbouring residents though increased activity, particularly at night.

The previous proposal notionally indicated the position of first floor toilets and storage area. The amended drawings now have detailed that arrangement. The toilets and the storage area will adjoin the existing neighbouring property which is a flat, at first floor level although I do not know whether it is currently occupied as such. I do have concerns that occupants of the flat will suffer from noise disturbance throughout the operating period of the sheesha bar as a result of this relationship.

The current proposal also now proposes to utilise an existing toilet accessed of the rear yard as a waste bin store to overcome my concerns over the increasing intensity of use of the rear yard area for the servicing of the increased number of shop units that would be sharing this small rear yard area. This would go somewhat towards increasing the area for storage of refuse bins but would not of course reduce the activity in this area which could become a problem for neighbouring residents.

The applicant further advises that it is his intention to install a CCTV system to monitor the inside and outside activity which he considers would be a deterrent to people gathering outside the building.

Members will recall that the Police Architectural Liaison Officer raised concerns over the original proposal from the point of view of potential adverse social and environmental impacts that may result from the usage of such a premises which would involve late night activity and the congregation of numbers of people during antisocial hours.

His previous advice was that if permission were to be granted, then it would be reasonable to limit this to a temporary permission of one year, to enable its use to be monitored after which time a further application would need to be made to extend the length of the permission or make it permanent.

Although this is an avenue open to committee, I am reluctant to recommend such an approach because of the rather unique nature of the building proposed. If permission were to be granted for a temporary period and the building constructed and taken into use, were it then to be found that the use was incompatible with the neighbouring residential uses and the temporary period of use not extended, then the building may struggle to find reasonable alternative uses. I would not wish to encourage the level of expenditure that the proposal would involve when this is not certain of having a reasonable future.

I have had a response from Environmental Health division with regard to the likelihood that the proposal would meet with the Smoking in Buildings legislation. I

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am advised that as submitted it would not meet these guidelines I do however anticipate the receipt of further amended drawings that should allow the proposal to meet with that legislation and I hope to be able to present these to Committee.

With regard to noise generation from within the bar, the original proposal was accompanied by a Noise Assessment . At the time of writing I am still awaiting a view from the Pollution Control Division as to whether that assessment would still valid for the amended proposals. I shall be able to advise committee members of this at committee and if not, shall recommend that an amended noise assessment will be required, should committee decide to approve this proposal.

In my opinion despite the alterations that have been incorporated into the proposal some of which have been beneficial to the scheme particularly with regard to the visual appearance of the building I still consider that the proposal has the potential to be detrimental to the amenity of the neighbouring residents particularly those who occupy 10 Belgrave Street, and the first floor of 172 Normanton Road, the properties that adjoin the application site. I still believe that the likely levels of activity extending into the night and noise and disturbance that is likely to result , would be detrimental to residential amenity, and the massing impacts of the even taller building than previously considered would also be to the detriment of neighbours. I do therefore continue to recommend refusal for this proposal.

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

#### **11.1. To refuse planning permission**

#### **11.2. Reasons:**

1. In the opinion of the Local Planning Authority the proposal by reason of late night activity and disturbance likely to be generated by the proposal, exacerbated by its first floor position and open sided construction, combined with the cumulative impact of late night disturbance from other late night opening venues in the immediate vicinity, would result in an unacceptable loss of residential amenity to neighbouring occupiers and as such the proposal is contrary to saved policy GD5 of the adopted City of Derby Local Plan Review.
2. In the opinion of the Local Planning Authority the proposal by reason of its size and position close to the boundary with adjoining neighbouring properties would result in massing, overbearing and overshadowing impacts that would be detrimental to the level of residential amenity enjoyed by those properties and as such it is contrary to saved policy GD5 of the adopted City of Derby Local Plan Review.
3. In the opinion of the Local Planning Authority the proposal by reason of the over intensification of use of the rear yard area for storage waste recycling facilities and the general activity that would be associated with the use of the yard would be detrimental to the level of residential amenity enjoyed by neighbouring residents and as such it is contrary to saved policy GD5 of the adopted City of Derby Local Plan Review.

#### **11.3. Application timescale:**

The 8 week period expired 9 July 2010. The determination period was initially missed as a result of the application having to be referred to Planning Control



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Committee following a Chairs Briefing Note even though the proposal is being recommended for refusal, as a result of 6 letters of support being received. A decision on the proposal was deferred pending a committee site inspection. Further delays have been incurred awaiting the submission of amended drawings which the applicant advised members of committee would be submitted, and to negotiate further alterations to those amended drawings.

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**Type:** Full



# Enclosure

## **Committee Report Item No: 5**

**Application No:** DER/05/10/00533

**Type:** Full

1. **Address:** 174-176 Normanton Road.

2. **Proposal:**

Use of roof space as a Sheesha bar and erection of a dual pitched roof and fencing.

3. **Description:**

The application premises stands at the junction between Normanton Road and Belgrave Street at the northern end of the Normanton Road, Pear Tree Road, Linear, District Centre as defined in the adopted City of Derby Local Plan Review. It stands at the end of a terraced row of two storey properties which appear to date from the late 1800s. The application premises includes the first floor element of 174 Normanton Road, which is part of the original two storey terrace and a single storey flat roofed building of more recent construction, formerly identified as 176 Normanton Road, now subdivided into 5 small shop units 176 176B, C, D and E Normanton Road. The ground floor of 174 is currently vacant but has an extant planning permission for a change of use to a hot food take away granted planning permission by Committee at its meeting on 19 March 2009. A small yard at the rear of the buildings provides a shared waste bin storage area to serve all of the units.

Immediately on the opposite side of Normanton Road is a large public, surface car park, Grove Street Car Park. Houses lie beyond this about 80 metres from the application site. To the immediate north at 172 Normanton Road is an operational hot food shop at ground floor level with what appears to be a residential flat over.

The application premises have a long frontage onto Belgrave Street about 23 metres long. The neighbouring property on Belgrave Street is number 10 Belgrave Street. This is a two storey, possibly with additional rooms in the roof space, late Victorian dwelling house standing at the end of a terraced row of houses. The flank gable wall of this house stands immediately adjacent to and in contact with the application premises. A pedestrian access runs in a tunnel beneath part of the first floor living accommodation of the dwelling house at 10 Belgrave Street and serves as a shared pedestrian access used by 170, 172 174 and 176 Normanton Road. It also now serves all five of the recently created small shop units occupying the former 176 Normanton Road.

Immediately opposite on Belgrave Street are shops within two storey buildings again late Victorian. Part of this unit is currently unoccupied but was recently granted planning permission for subdivision into a number of smaller shop units. Adjoining this to the west along Belgrave Street are two storey dwelling houses the closest of which would be approximately 11 metres from the application premises. The application premises was at one time and for many years, a motor vehicle service garage on the Belgrave Street frontage, with an associated retail element selling car related products on its Normanton Road frontage. This use has now ceased and the premises converted into 5 small retail units.

The proposal is to construct a first floor roofed structure over the row of ground floor shops to become a Sheesha Bar. It is described in the Design and Access Statement as a first floor, partially open Sheesha bar, of timber construction. The entrance to the Sheesha Bar is intended to use the small shop unit at 176a Normanton Road on the corner of Normanton Road and Belgrave Street, furthest

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away from the dwellings on Belgrave Street. This unit will itself contain tables and chairs and be used for the sale and consumption of cold snacks.

The Design and Access statement states, “the first floor roofed terrace is intended to house social smoking activities in a partially enclosed environment. The Sheesha bar is particularly attractive to the younger Muslim Community where they can have social gatherings and enjoy participating in non-tobacco smoking in free informal manner. Beverages will be soft drinks and strictly non alcoholic. The opening hours will be restricted to afternoons and evenings only and never after 11-30 pm”.

The bar would be built on the flat roof of the single storey building. It would consist of a double pitched, tiled roof running almost the full length of the building. The roof would be cut away to provide a wider or narrower area of roof cover at various points along its length. The roof would not have any fully enclosing walls but be open along part of its length, presumably to try to meet the requirements of the smoking laws.

A noise barrier would be constructed around the perimeter of the flat roof rising to about 1.6 metre above the existing parapet wall. This may be in one of three finishes clad in either plywood, with texture paint, Stoneflex cladding, or plastic coated external steel cladding.

An emergency fire exit steel staircase is intended to lead from the first floor to discharge into the small rear yard of the proposal which would exit to Belgrave Street through the shared pedestrian access that goes through the tunnel beneath the first floor of 10 Belgrave Street.

The details of the type of usage given in the submitted Noise Impact Assessment are that the roof terrace is intended to house social smoking activities in a partially enclosed environment. The noise generated by this activity would be conversational speech. Regulated entertainment is intended to be used at low level to provide background music. The development is proposed to be used during afternoons and evenings generally until midnight with an estimate of 50 people using the facility at any one time.

Waste bins are to be kept in the rear yard of the premises with access to the highway through the communal access that runs beneath the adjoining residential property at 10 Belgrave Street. It would share the rear yard area with the existing 5 small shops on Belgrave Street and the shop unit destined to become a hot food shop, fronting onto Normanton Road. This rear yard measures a maximum of approximately 15 metres long by approximately 4.5 metres, tapering to 3 metres wide, and would also be part occupied by the proposed fire escape staircase.

There is no on-site parking but there is a public car park immediately opposite and regular bus services run along Normanton Road.

#### **4. Relevant Planning History:**

DER/01/81/00095 Workshop extensions and change of use of 174 Normanton Road to motor insurance. Granted.

DER/03/81/00582 Display of fascia sign. Refused..

DER/03/81/00581 New shop front and extension to car sales area. Refused.

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DER/11/81/A1452 Display of new fascia and shop sign. Granted.

DER/06/87/00732 Alterations to rear elevation. Granted.

DER/11/93/01434 Change of use to restaurant. Refused.

DER/10/00/01354 Raising of section of existing flat roof to pitched roof. Granted.

DER/11/08/01640 Change of use from retail use A1 to hot food take away . Granted  
Conditions 24/03/2009

### **5. Implications of Proposal:**

#### **5.1. Economic:**

The proposal would create a further business opportunity and provide employment opportunities for 3 full time equivalent employees.

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

The proposal would create an unusual design of building comprising mainly of a long gable ended roof above an existing flat roofed building, with blank acoustic walls surrounding the elevations at first floor level. It would be out of keeping with the Victorian style buildings in the immediate vicinity.

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

The application site is situated within a mixed use retail and residential area and is accessed via Normanton Road which is a Classified Road and Belgrave Street. There are on street parking restrictions on Normanton Road and Belgrave Street including double yellow lines and a one way only towards Normanton Road. There is a public Pay and Display car park accessed via Grove Street opposite the application site on Normanton Road, as well as frequent public transport services. Although the site has no off street parking facilities, it is not considered detrimental in view of the above points.

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

The new internal stair, not the emergency evacuation stair, will need to comply with the ambulant requirements contained in the Building Regulations. It would appear that a re-design is required to ensure compliance.

#### **5.5. Other Environmental:**

None.

### **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.*

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### **7. Representations:**

Third party responses have been received from addresses over and above those that were directly notified of the proposal.

Six letters of support have been received and 4 letters of objection and a petition of objection bearing 339 signatures.

In summary the letters of support refer to such venues being nice places to meet with friends and to socialise. Provided there are controls on noise and the hours of opening this should make this end of Normanton a more interesting place.

In summary the letters of objection refer to:

- Increased levels of noise.
- The opening of a Sheesha bar may increase the number of people who "hang around" increasing residents fear of anti-social behaviour, vandalism, violence and gangs in the area.
- The proposal may encourage cigarette and drug smoking.
- The building would be close to a dwelling and the residents will be affected by noise pollution, shouting etc.
- The proposal would prevent the use of a side window in the neighbouring house as a fire escape window.

The petition bears 339 names and simply objects to the proposal but no grounds for objection are stated.

*These representations have been made available in the Members Rooms.*

### **8. Consultations:**

#### **8.1. Environmental Services (Health – Pollution):**

The application information has been reviewed and whilst no objection to the application is made in principal, the following comments are made:

##### Noise

It is noted that an acoustics assessment has been submitted as part of the application. The assessment recommends:

- The incorporation of a purpose built noise barrier to the rear of the building and along the Normanton Road and Belgrave Street façades.
- The outdoor terrace area is to be operated as a 'café' with only conversational speech and low-level 'background' music.
- The use of a noise-limiting device for any amplified music/speech, to be set at a level to be agreed by the Environmental Health Department.
- The terrace should close at midnight and no music should be played after 11pm.

The methodology used in the assessment appears to be reasonable and on that basis I would accept the above recommendations.

It is recommended that the above recommendations are imposed as conditions on any consent, should it be given.

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### Demolition/Building Works

It is noted that the proposal will involve some demolition and building works. Given the proximity of residential properties, it is advised that contractors limit noisy works to between 07.30 and 18.00 hours Monday to Friday, 07.30 and 13.00 hours on Saturdays and no noisy work on Sundays and Bank Holidays. This is to prevent nuisance to neighbours. There should be no bonfires on site at any time. It is suggested that an advisory note regarding these matters should be attached to any planning consent that may be granted.

### **8.2. Police Liaison Officer:**

Whilst there is little to comment within the design, the management and use of the spaces are important issues. Sheesha bars have become more common throughout the country and are used by many different people not just persons of the Muslim faith and not always for non tobacco goods. (38% of British university students have used a hookah (Sheesha pipe) and are more likely to use illicit drugs.... (web @insicknessand health.com)

Good control and management of all the spaces is therefore essential to do all that is possible to ensure lawful use and remove any miscreants.

All smoking areas are subject to legislation that requires them to be substantially and permanently open for over 50% of area not including opening doors and windows. This legislation is within the realm of the local authority but an open design and noise emanating from within can encourage congregation in the street and result in fear and anti social behaviour in residents and passers by which does give me cause for concern. It is possible that the use may exacerbate conflicts and anti social behaviour. This area of Normanton Road directly opposite Grove Street does suffer disproportionately from a large amount of crime, disputes, conflicts, and anti social behaviour from different social and ethnic groups.

When enforcing non-smoking legislation Police may need to be involved to support the local authority in cases of public disorder, threatening behaviour or breaches of the peace. Assisting with enforcement and drug enforcement is a drain on limited police resources.

I do believe that this type of use and open design will have an adverse social and environmental impact in the form of the potential for increased anti social behaviour and nuisance. This is a prominent inner city location that is not without current disorder problems. Adverse impacts should be avoided, mitigated or compensated for as required by Planning Policy Statement 1.

In planning terms I would suggest that due to the possible increase in disorder and issues of use, that it be considered a reasonable request that if permission is granted, that it is granted for a temporary period initially, to enable monitoring of any crime increases or complaints attributable to this use. Not all premises can be tarred with the same brush but available media reports within the public domain have reports of tobacco excise avoidance, alcohol and drug use associated with Sheesha bars which possibly and unfairly have detracted from lawful and peaceful use. Similar premises are usually subject to licensing permissions where action can be taken, premises closed and access can be gained by legislation, should the need arise.

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**8.3. Other:**  
None.

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

GD5	Amenity
S2	Retail locational criteria
S3	District and neighbourhood centres
S12	Financial and professional services and food and drink uses
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:**

**Policy considerations.**

The site of the proposal is within an identified District Centre. It is therefore subject to saved policy S3. The policy permits the development of shops in Use Class 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.

It is debatable whether the use class of the proposal is Use Class A3 (Restaurants & Cafes) or Use Class D1 (Non Residential Institutions) as the primary function is socialising and smoking, rather than the sale and consumption of food and light refreshments. However, the applicant has stated their intention to renovate the downstairs of the property into an entrance with indoor tables and chairs, similar to a café. Therefore I feel it is appropriate to regard this application as A3.

Saved policy S12 permits A3 developments within district centres provided that the development would not lead to a concentration of such uses likely to undermine the vitality and viability of the Centre. Saved policy S12 also states that in all areas, planning permission will not be granted for A3 proposals which would cause unacceptable harm to the amenity or nearby areas or that would impact upon the character of an area through environmental problems such as smells and disturbance.

The proposal to be determined is for the use of the roof space as A3 development and the ground floor entrance through the corner shop unit which will act as an entrance and a café type use.



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The key issue is whether the proposal would impact upon the character of the environment through the increase in smells and noise and disturbance.

Retail policy seeks to protect the retail function of the centre by limiting the number and concentration of non A1 (retail) that operate from ground floor units within the centre. Although the first floor element will have no impact on the vitality and viability of the centre the ground floor element will reduce the number of A1 retail units operating from this length of retail frontage. However, I think it should be borne in mind that until quite recently the whole of the ground floor of the premises was in use as an automotive repairs workshop with a small element of auto parts retailing. This has now been converted into 5 small shop units and has an as yet unimplemented permission as a hot food take-away. When inspected 3 of the small units appeared to have been taken into use and operating. The fourth was empty and the fifth was the unit currently ear marked as the entrance to the Sheesha bar.

In terms of protection of the retail function of the centre I consider that the recent expansion of A1 uses operating from these premises will offset any loss of one unit in terms of overall retail function.

What is of greater concern is the concentration of food and drink uses in one location with the existing hot food shop that is in use, the premises next door that have A5 permission for a hot food take away and then this proposal next door to that, giving a row of three food and drink uses together. This is in a road that is already well served with hot food take away shops, cafes and restaurants. I accept that the emphasis of the proposal is for a Sheesha Bar which is predominantly for smoking on a social basis with ancillary sales for snacks and drinks, rather than as a full restaurant or cafe, and such a use is not available in the centre at present. This could be looked on as an innovative use which could benefit the area and so not be treated as simply another food and drink use so avoiding the accusation of resulting in an over concentration of food and drink uses that are likely to be detrimental to the vitality and viability of the shopping function of the centre.

Where I am more concerned over the concentration of food and drink uses is with regard to the detrimental affect that this could have on neighbouring amenity.

### **Amenity Considerations**

In my view the major policy considerations with regard to this proposal are covered by saved policy GD5 for the impact on the amenity of neighbouring occupiers and saved policy S12 where that policy is concerned to avoid unacceptable harm to the amenity of nearby areas.

I am aware that a noise survey has been submitted with the application which demonstrates that with two persons per table and with a music system playing at controlled levels then the levels of noise generated by the use of the facility should not give rise to noise levels that would be detrimental to the amenity of neighbouring residents. The submitted table and seating plan however show tables for at least 4 people so I would imagine that noise levels generated by customers could potentially be double the estimate and the closest open parts of the structure lie a mere 7.5 metres from the nearest habitable room windows at the house at 10 Belgrave Street.

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In spite of the reassurances given in the Potential Noise Survey I am still concerned about the likely increase in levels both of noises and also of general disturbance that are likely to occur when the premises would be in use, particularly late at night. The proposal sits in very close proximity to two dwellings, including the flat over the existing hot food shop, at 172 Normanton Road, with which it shares a party wall, and as already mentioned, the end of terrace dwelling at 10 Belgrave Street. I do consider that there will be activity at unsociable hours within the open sided building, at first floor level next to the living accommodation at 172 Normanton Road, which will be adjoining the first floor element of 174, where toilets and storage are proposed. Also by noise emanating from the open sides of the proposal and entering in through windows of adjoining residential properties.

Furthermore I consider that there will be additional activity in the street from arriving and departing customers both on the Normanton Road frontage and on Belgrave Street where cars and taxis arriving and departing to deliver or collect customers and people lingering before entering and after departing from the bar could increase levels of noise and general activity to an extent where there would be a strong likelihood that the amenity of immediate neighbouring residents and those who live further away, will be detrimentally affected. I am mindful of the concerns expressed by local residents who have written to object to the proposal particularly with regard to existing levels of anti social behaviour in the area and I accept that they are expressing a genuine fear that the proposal will probably exacerbate the problems.

The levels of activity that are likely to result from the operation of the premises as a Sheesha Bar particularly late into the night would add to the levels of late night activity that already exist in the area which is referred to in the Police Architectural Liaison officer's report, and which at times takes on an anti-social character. The opening of another business with late night opening hours, combined with the close proximity of the existing hot food shop at 172, Normanton Road, the potential opening of another hot food shop next to the application premises at 174 Normanton Road, which already has planning permission for this use, and other late night venues in the immediate vicinity would, in my opinion, be likely to increase the potential for late night disturbance in close proximity to residential property's because of the likely increase in numbers of people gathering together to use these facilities. I consider that the proposal would lead to a concentration of uses that would attract late night activity to the detriment of neighbouring residents that live immediately adjacent to the site and in the nearby streets.

I also have concerns that the use of the small yard to the rear of the building by a further large unit with a total of 6 units sharing the same yard area for servicing and waste bin storage, will increase the levels of activity in this small yard, also to the detriment of neighbouring residents. Misuse of the fire escape staircase which would also discharge into the same small yard, would also increase the levels of activity to the detriment of neighbouring residential amenity.

The proposed building or structure would be located on the principally flat roof of the property. It would have a double pitched roof with a ridge line that runs the along the length of the building terminating about 1 metre short of the end of the building at either end so that the roof stands about 1 metre from the side elevation wall of the nearest dwelling at 10 Belgrave Street. The roof eaves are inconsistent, with a complete enclosure of walls at the western end close to the dwelling but further to

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the east there would be cut away sections on both sides to provide an open aspect most principally along the southern side. The eastern side is also open so that the roof along parts of its length is like an open canopy without walls. Along other parts of its length it is more enclosed particularly at the western end where the proposal would have three enclosing walls and one open end, and where the proposal attaches to the side wall of the existing two storeys building on its northern side. An acoustic barrier or fence surrounds those parts of the perimeter of the flat roof, which will act both as an acoustic barrier and security wall, enclosing the sides of the flat roof for safety purposes.

The roof would rise to a ridge height of about 2.8 metres above the height of the small parapet wall that surrounds the existing flat roof, and an eaves height of between about 1.4 and 1.7 metres above the parapet wall. The overall height of the building from ground level to ridge level would be about 6.4 metres. I do have concerns over the additional massing, overbearance and increased sense of enclosure that the proposal would impose on the residents of 10 Belgrave Street, and the increased overshadowing of the rear yard and garden areas of that property particularly in the mornings till about midday.

I have further concerns over the external appearance of the proposal. The acoustic panels for the external wall are proposed in some form of sheet material, either plywood decorated with textured paint, a proprietary cladding (Stoneflex) or a plastic coated proofed steel sheeting. The roof is intended to be clad in light roof tiles to match existing buildings although what is precisely meant is not clear. I don't consider the materials to be used in the external wall to be appropriate set at first floor level, in this area which is predominantly composed of buildings of a traditional Victorian red brick construction. I consider that the proposal would look awkward and out of keeping with the existing development in the area.

I am mindful of the concerns of local residents that the proposal could exacerbate an existing anti-social behaviour problem in the area, which seems to have some support from the Police Liaison Officer, however I don't accept that we can simply assume that were the proposal to be approved then it would automatically become a focus for those engaging in antisocial behaviour nor do I accept that it would necessarily lead to increased levels of antisocial behaviour or lead to an increase in drug abuse. I do however accept that there may be a genuine fear amongst residents that this may occur.

I note the Police Liaison Officer's suggestion that this proposal could be given a temporary permission for a year to assess how it would operate and see whether or not the fears are realised. This is an approach that has been taken elsewhere and occasionally within Derby City. In Derby such an approach is usually used in circumstances when the application building is already in place and a change of use to the existing building is proposed. So development costs are small.

I am mindful of the costs that may be involved in carrying out the built development and have concerns that if after 12 months the proposal does prove to be unacceptable in terms of the use, then the implicit termination of the use could leave an unusable building and have cost the developer a considerable amount of that could not be recouped through the operation of a business. Furthermore I have already expressed my concerns over the design of the proposal which I consider to

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be unacceptable, the impact of the structure on the amenity of neighbouring residents, and concerns over the over intensive use of the small rear yard which will impact on neighbouring residents.

In conclusion I consider that the proposal would not be acceptable because of the likely loss of amenity that it would impose on neighbouring residential properties and the wider area, through increased levels of disturbance particularly later into the evenings and night, and also as a result of overbearance and over shadowing. I also consider the external appearance of the proposal would be out of keeping with the character and appearance of the immediate locality and the wider area. For these reasons I consider that the proposal would be unacceptable and I recommend that planning permission should be refused in this case.

### **11. Recommended decision and summary of reasons**

#### **11.1 To refuse planning permission**

#### **11.2 Reasons:**

1. In the opinion of the Local Planning Authority the proposal by reason of late night activity and disturbance likely to be generated by the proposal, exacerbated by its first floor position and open sided construction, combined with the cumulative impact of late night disturbance from other late night opening venues in the immediate vicinity, would result in an unacceptable loss of residential amenity to neighbouring occupiers and as such the proposal is contrary to saved policy GD5 of the adopted City of Derby Local Plan Review.
2. In the opinion of the Local Planning Authority the proposal by reason of its size and position close to the boundary with adjoining neighbouring properties would result in massing, overbearing and overshadowing impacts that would be detrimental to the level of residential amenity enjoyed by those properties and as such it is contrary to saved policy GD5 of the adopted City of Derby Local Plan Review.
3. In the opinion of the Local Planning Authority the proposal by reason of the over intensification of use of the rear yard area for storage waste recycling facilities and the general activity that would be associated with the use of the yard would be detrimental to the level of residential amenity enjoyed by neighbouring residents and as such it is contrary to saved policy GD5 of the adopted City of Derby Local Plan Review.
4. In the opinion of the Local Planning Authority the proposal by reason of its design, external materials and prominent position in the streetscene would be out of character and detrimental to the visual appearance of the area and as such it is contrary to policy E23 of the adopted City of Derby Local Plan

#### **11.3. Application timescale:**

The 8 week period expired 9<sup>th</sup> July 2010. The determination period was missed as a result of the application having to be referred to planning control committee following a Chairs Briefing Note even though the proposal is being recommended for refusal, as a result of 6 letters of support being received.

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## **Committee Report Item No: 6**

**Application No:** DER/07/08/01081

**Type:** Outline with Access details to be approved

1. **Address:** Site of and land at Kingsway Hospital, Kingsway

2. **Proposal:**

Residential development (up to 700 dwellings), erection of business office units (use class B1), retail units (use classes A1, A2 and A3) and associated infrastructure (roads, footpaths, open space and allotments) and installation of wood fuel (biomass) CHP energy facility

3. **Description:**

The application site is the former Manor / Kingsway hospital which is located approximately 2.5km to the south-west of the City Centre. The full extent of the hospital grounds extends to some 51 hectares. It has become surplus to the needs of the NHS and has been allocated as a mixed use regeneration priority for the City as outlined in saved policy R4 of the City of Derby Local Plan Review. Given the desire to secure a high quality mixed use scheme on the site, the local plan indicated that supplementary planning guidance (SPD) would be provided for it. This was considered appropriate as it would extend and provide further detail to the policy aspirations for the site and provide a sustainable master planning process to assist in its regeneration. The SPD was prepared in partnership with the Council, the landowners and English Partnerships and in accordance with national planning guidance in PPS12: Local Development Frameworks.

English Partnerships were Central Governments regeneration Agency. They are now part of the Homes and Communities Agency (HCA) who are the national housing and regeneration agency for England. It should be noted that English Partnerships (now the HCA) are the applicants in this case. The SPD for the site was adopted in December 2007 and it outlines objectives for its redevelopment which include;

- The creation a broad range of land uses and creation of a vibrant well used place
- The creation of an energy efficient movement strategy
- The encouragement of a high quality sustainable urban design and architecture
- The enhancement of the recreation and amenity potential of the site

The SPD outlines how it is anticipated these objectives should be achieved and provides development, design and layout guidelines.

The former Manor / Kingsway hospital is an island site whose boundaries are defined to some extent, by roads. The A38 extends to the north and west and the A511 Kingsway to the east. The rear gardens of dwellings which front onto the A516 Uttoxeter New Road abut the southern boundary as does the site of the Derbyshire fire and rescue service. The site continues to accommodate clusters of buildings associated with its historical use as a hospital but parts of the site accommodate other uses that are to be retained.

Derbyshire Mental Health Trust own and occupy Kingsway House, a neo-Georgian style single and two storey building by the Borough Architect C. H. Aslin built in 1937-38 and Albany House which was built in 1903-4 by B. S. Jacobs. Alongside them, a group of modern ward buildings, a support services building and an education training centre, which were granted planning permission in 2007, have been built. They are also set alongside a group of resident's bungalows and an intensive care

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unit in a cluster towards the North West corner of the hospital grounds. Those buildings and uses are proposed to be retained and that land which is in the ownership of Derbyshire Mental Health Trust does not form part of the application site.

To the south west is land that is owned by Derby Hospitals NHS Foundation Trust. Some of that land is occupied by car parks which serve the Derby Royal Hospital and a park and ride facility. The extent of land in the ownership of the NHS Foundation Trust extends beyond those car parks and it is understood that there is an intention for the hospital to secure leisure and training facilities on adjoining land which it is understood will serve hospital staff and provide some community facility. A small development of key worker accommodation sits in the south west corner and opposite the Derby Royal hospital car parks. This existing residential accommodation and the car parks sit adjacent to one of the main access points into the Manor / Kingsway site. This land also falls outside the boundaries of the site that is subject of this outline planning application.

The amount of land which falls within the application site extends to some 34.3 hectares and therefore does not extend to cover all of the land that is the subject of the SPD. The application covers an irregular shaped area of the former Manor / Kingsway hospital grounds and includes the oldest part of the former Hospital complex which comprises a cluster of buildings that are centrally located on the site. They include the Derbyshire ambulance headquarters which sit to the west of the group and Bramble House which is a two storey building that was originally built as a nurse's home by C. H. Aslin in 1938 in a neo-Georgian style. All of those buildings are proposed to be demolished as part of the redevelopment proposals. On the eastern side of the hospital grounds are some 7.5 hectares of parkland which originally served the hospital. Within the parkland are numerous mature trees. Two buildings, the Lodge and Braemar house sit within the parkland and adjacent to one of the existing entrances into the site. The two storey lodge dates from 1886-88 and remains in a fairly good condition. Braemar House was built in 1938 by architect C. H. Aslin and is a two storey building which also remains in good condition. The buildings provide a gateway into the site and the supporting information provided with the application shows an intention for these buildings to be retained and their re-use pursued as part of the proposals. It is understood that playing fields once formed part of the parkland area of the site but no sports use is currently made of that land. Open agricultural land sits to the south of the site and open land to the west was formerly used for allotments. However, that use ceased in 2001. Along the northern and western edges is an irregular area of open land that is allocated as green wedge. Some of that land was in the ownership of the Secretary of State for Health but was intended to be transferred to the applicants and is included within the application site boundary. Bramble Brook flows in culvert from under the A38 into a deep pond which is located within the green wedge. There is also a designated County wildlife site adjacent to the A38 and along the northern boundary of the site. It was designated in 1990 for its flowing water rivers and streams. It can be concluded that the current use of the land within the application site relates to the provision of healthcare but there are significant areas of open space and agricultural land which form a part of its existing character.

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Outline planning permission is sought for the comprehensive redevelopment of the site for a mixed use purpose. The design and access statement provided with the application indicates an intention to create an exemplar development of high quality urban design and sustainability standards. It is supported by a parameters plan and indicative masterplan. The parameters plan sets out how it is anticipated the different land uses will be located on the site, the strategic access strategy, development densities and the open space framework. This is the plan on which planning permission is being sought and it is accepted that any future reserved matters should broadly accord with its aims. The masterplan serves as supporting information only. It demonstrates how the site may be laid out in accordance with the parameters plan and if the design framework outlined in the design and access statement, is applied. It is intended to demonstrate that it is possible to achieve the densities and numbers predicted and to express the type of place that is envisaged for the site.

The proposals involve provision of approximately 700 dwellings but this number of units will be dependent on the layout and detailed design of each area of the site which will be pursued as part of the reserved matters. Given its size, the site may be developed in a piecemeal fashion and it is likely that the proposals will reflect the housing needs and market conditions at the time that any reserved matters applications are submitted. The design and access statement provided with the application indicates a desire to achieve a broad mix of accommodation including apartments and family sized dwellings. Up to 200 of the dwellings will be provided as affordable key worker accommodation. If the need is for less than 200 key worker dwellings, then the remainder of the dwellings will be made available to a Registered Social Landlord for affordable housing. It is anticipated that the key worker dwellings will be occupied by hospital staff. The areas indicated for housing within the parameters plan have been broken into individual sections. This has allowed the applicants to undertake some assessment of the character of those individual parts of the site in order that a basis for movement and open space strategies for the site could be established. Those residential areas are outlined as being located adjacent to the Derbyshire Mental Health Trust accommodation and they extend across the centre of the site. They also abut the green wedge and the land owned by the Derby Hospitals NHS Foundation Trust, to the west. The proposed residential areas also extend up to the residential properties on Uttoxeter New Road. It is indicated that accommodation ranging between 2 and 5 storeys will be considered but this will be dependent on a consideration of the individual characteristics of each area of the site.

Business units (within use class B1) comprising 21,600 square metres of floorspace are proposed to be provided in an urban business park towards the eastern end of the site and adjacent to Kingsway. The business park would abut the northern and western boundaries of the fire station. It is anticipated that buildings within the business park will predominately be 2 storeys but larger 3-4 storey units will be used to front the main entrance at Kingsway and the main square.

Retail units (within use classes A1, A2 and A3) comprising 500 square metres of floorspace are also proposed. They are intended as ancillary uses to the residential and employment proposals and are intended to be small scale units which will meet the day to day needs of the users of the site. The parameters plan shows an



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intention for them to be located in a cluster where the employment and residential uses meet. There is an intention that they will be designed around a public square.

These are the main uses that this application seeks planning permission for but the proposals also involve the associated infrastructure needed to support this redevelopment scheme. They include the roads and footpaths which are intended to strengthen pedestrian and cyclist integration with the site and neighbouring land uses. Significant off site highway improvements are also proposed in order to provide for and mitigate the effects of the additional levels of traffic accessing the site as a result of the redevelopment proposals. Areas of open space are proposed as part of the scheme and the masterplan identifies a number of areas that could be developed with consideration being given to the provision of a square, green or central space for each of the areas defined in the parameters plan. The design and access statement indicates that these spaces would provide space for formal and informal recreation activities whilst adding to the unique landscape character and helping to create a sense of place. These spaces also provide opportunities for surface water attenuation and would therefore function as part of the drainage strategy for the wider site. The green wedge at the northern end of the site would be maintained as open land and would be used as public open space and would also accommodate the sports facilities that are proposed. This includes the provision of two adult football pitches, two all weather tennis courts and a bowling green. These will replace existing facilities that would be lost on site which it is understood have not been used for over 10 years with the exception of the Bowling Green which only ceased to be used recently. The application parameters plan also makes provision for allotments which are indicated as being located to the south of the fire station. The supporting information also outlines a clear intention for an energy centre which it is anticipated will provide a biomass combined heat and power facility that will generate hot water and electricity on site from renewable fuel sources. The parameters plan demonstrates an intention for this to be located within the employment area and adjacent to the boundary with the fire station.

Although the application is supported by lots of information which outlines a vision for its future development, it seeks outline planning permission only with all matters reserved except site access. Detail to be approved at this stage therefore includes how the development can be satisfactorily linked to the highway network, what design restrictions apply to the internal layout and the extent of off-site highway improvements and travel plan measures that will be required to make the proposal acceptable. The detailed design of the internal layout and issues relative to parking within the new streets will be considered at a later date as part of the reserved matters. The principle means of vehicular access into the site are proposed via the large roundabout on Uttoxeter New Road which currently serves the site and the Derby Royal Hospital and an improved junction that currently serves the Kingsway retail park. In addition, pedestrian / cycle links will be incorporated through to the site from the Uttoxeter New Road / Kingsway junction which extends along the southern boundary of the fire station and at three additional points off Kingsway which are opposite Albany Road, adjacent to the Kingsway retail park junction and alongside the Kingsway / A38 junction.

The documents that have been provided in support of the application include; design and access statement, planning statement, transportation assessment, framework

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travel plan, renewable energy statement, arboricultural assessment, noise assessment, air quality assessment, ecological surveys, contamination and landfill gas assessment, flood risk and drainage strategy report, consultation statement and a heritage statement.

### **4. Relevant Planning History:**

The most recent applications that are relevant are as follows;

DER/01/08/00102 – Formation of car parking area on land west of Kingsway hospital and to the north of Northmead Drive – granted 14/07/09. This is the car park extension which serves the Derby Royal Hospital.

DER/01/08/00101, DER/01/08/00103 and DER/01/08/00105 – Proposals for the erection of a health and fitness centre, nursery and training facility on land to the west of Kingsway hospital and to the north of Northmead Drive – withdrawn 26/01/09. This group of applications were submitted by the Derby Hospitals NHS Foundation Trust and were principally designed to provide facilities for staff at the Derby Royal Hospital. All three applications were withdrawn prior to their determination.

DER/11/06/01776 – Erection of 3 ward buildings (58 bedrooms in total) and support services / education and training centre – granted 13/06/07. This proposal was on behalf of the Derbyshire Mental Health Services Trust and comprises the accommodation which has been built and is occupied at the northern end of the former Manor / Kingsway hospital site.

The history relevant to this site also includes:

DER/08/02/01239 – Demolition of existing buildings, erection of 850 dwelling houses, construction of car park for Derby City Hospital and provision of roads, footpaths, public open space, school and community facilities – application withdrawn 25/09/06

DER/08/02/01240 – Demolition of existing buildings, erection of 700 dwellings, erection of business units (class B1) construction of car park for Derby City Hospital and associated roads, footpaths, open space, school and community facilities – application withdrawn 25/09/06

DER/01/95/00013 – Residential development, construction of distributor road and public open space – application withdrawn 25/09/06

### **5. Implications of Proposal:**

#### **5.1. Economic:**

The large housing development will generate local employment in the construction and related industries. Local employment opportunities are also anticipated as a result of the proposed business and retail developments.

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

The detailed design of the scheme is to be considered at the reserved matters stage but I raise no overriding objections to the proposed layout of land uses outlined in the parameters plan. It is clear from the information outlined in the design and access statement that consideration has been given to the sites existing constraints, character and context. It shows an intention to incorporate existing landscape and heritage features, including trees and some buildings that are of significance. The desire to achieve a high quality of

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buildings, open spaces, public realm and routes through the site are supported. Community safety issues will need detailed consideration as part of the reserved matters when the details of the layout of the spaces are known. The comments of the Crime Prevention Design Advisor are outlined in section 8 of the report.

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

The Highway implications of the scheme are considered in more detail in Section 10 of the report. It is considered that the proposed application generally meets the requirements of the SPD therefore no highway objections are raised to the development subject to a number of conditions being imposed relative to servicing and parking, the internal development layout, off-site works, travel plan and pedestrians and cyclists.

### **Highways – Land Drainage:**

Given that the drainage strategy is provided for illustrative purposes only, it is limited in its detail and improved commitment and more comprehensive information will need to be provided to enable a full evaluation of the suitability of the drainage design. Given this lack of detail, it is considered that the application does not demonstrate that the flood risk to the site and third party properties will not increase as a result of the development. It is therefore suggested that conditions are imposed on any planning permission granted which require the submission of details relative to the site drainage design and that they are agreed by the Council prior to any redevelopment works commencing on site. A two part condition is suggested which requires full drainage design details to be provided prior to any works starting on site and implementation of the approved system to be secured prior to individual phases being brought into use.

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

To be reported.

### **5.5. Other Environmental:**

A full Environmental Impact Assessment was not required to support this application but various reports have been included in the application submission which identifies the potential Environmental implications associated with the redevelopment of the site.

An Ecological Survey Report was provided which outlined the existing ecological conditions and the opportunities and constraints across the site. It provides a phase 1 habitat survey and an appraisal of the sites potential to support protected / notable species. The survey considered potential impacts upon Bramble Brook, the County Wildlife site, badgers, bats, great crested newts, reptiles, breeding birds and water voles. The survey recommends increasing the buffer between the proposed development and Bramble Brook, to reduce any implications for the brook as a result of construction works and increased public access as a result of the development. It also identifies the presence of bats on site and evidence of a bat roost within the disabled persons driving school building. The survey recommends the installation of bird nesting boxes. No evidence of activity associated with water voles, reptiles, badgers and great crested newts were recorded. The survey

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recognises the time delay between the surveys being undertaken and the physical development actually taking place on site and it is indicated that further examination of the sites ecology will be needed at the detailed design stage.

The Arboricultural Survey identifies 317 individual and groups of trees across the site. A number of linear groups are noted which provide double rows that line a number of avenues within the existing hospital grounds. The survey notes that the trees are of a range of ages, condition and amenity value. However, it concludes that the site contains a number of prominent individual trees as well as significant groups of high visual amenity which add to and enhance the treed character of the site and the locale.

The Ground Contamination, Landgas Risk Assessment and Preliminary Ground Investigation Report provide the results of a desktop assessment and physical ground investigation that has been undertaken on site. It identifies the potential for localised pockets of ground contamination. These include an onsite coal powered boiler, fuel oil and diesel tanks that are stored on site and one confirmed transformer. Given the age of the hospital buildings a potential for asbestos is also identified within underground structures and service conduits. The conclusions reached in the report are that there are no ground contamination issues that cannot be satisfactorily mitigated and that there is no significant risk of land gas migration to this site from the former Rowditch landfill site which is located 60m to the east. The report suggests that there are no contaminations or gas related issues that should preclude the site from development. However, it recommends that further detailed investigations will be necessary to identify the exact location and extent of contamination on the site to enable a mitigation strategy to be developed.

A Flood Risk Assessment and Drainage Strategy identifies the site as being located within flood zone 1 and is therefore at a low risk of flooding. Based on the existing site topography the report gives an assessment of the drained areas of the site and its likely discharge points into existing watercourses and public sewers. The site is divided into 6 drainage zones and a series of key sustainable drainage measures are outlined as being proposed if they are found to be feasible and practical. An existing balancing pond located in the green wedge is identified as being of limited ecological and amenity value and its replacement with a single pond or group of ponds are proposed as a means for the discharge of surface water from the site and into the Bramble Brook watercourse. The report identifies that these proposals are for illustrative purposes as a means to demonstrate that the site is not constrained with regards to flood risk and that it should not preclude the future development of the site.

### **6. Publicity:**

Neighbour Notification Letter	163	Site Notice	
Statutory Press Advert and Site Notice	Yes	Discretionary Press Advert and Site Notice	

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Other	Consultation with local councillors, key stakeholders and the general public was undertaken by the applicants prior to the submission of the application. The consultation process included a public exhibition held at the Kingsway Hospital site, a planning aid workshop with Cherry Tree residents and consultation via the website. The Consultation Statement provided with the application describes fully the consultation undertaken and summarises the comments received.
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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:**

In total, six representations have been received in response to this application. Four raise concerns relative to the detail of the scheme, one offers comment and the other is written in support. Of the four letters of objection, two are from local residents and the nature of the concerns expressed generally relate to the following;

- There being a need for a cycle / pedestrian connection from Mickleover over the A38 using the A516 sliproad. Concerns are expressed that there is no provision for such a link in the application which would allow Mickleover residents to use the areas of public open space that are proposed and access the City centre via a route that is almost traffic free
- Concerns relating to the failure of the application to give consideration to the widening of Kingsway to a dual carriageway and use of the A38 and Kingsway interchange serving as a principle means of access into the site
- Consideration should be given to the relocation of the park and ride onto an area of the site that has better links with the ring road
- The business park being poorly located. It is considered that it should not be visible from Kingsway and should be nearer to the A38 with access directly onto the A38. It is suggested that the business park should be located on the land that is proposed for the public open space.
- The inability of the scheme to provide community facilities such as function room hire and conference facilities
- Objections to Albany Road being re-opened as a through route with concerns that this will result in rat-running

The third representation received in objection to the application is from Councillor Bob Troup. He raises two points of concern and they relate to the following;

- The provision of allotments on the site being inadequate and that more land within the site should be allocated to their use. It is suggested that the developer should ensure that the allotments can be accessed by a tractor that

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they are provided with sheds, a water supply, secure boundaries and a toilet and washing facility.

- Concerns that the development will make existing traffic problems in the area worse. It is suggested that a significant amount of congestion is caused by vehicles turning right into Kingsway Retail Park and that Section 106 contributions should be used to alter this road and junction arrangement.

The fourth representation which expresses concerns relative to the scheme has been submitted on behalf of Derbyshire Fire and Rescue Service. They raise concern relative to the proximity of the development to their own site on Kingsway due to the potential nuisance that their own training operations can cause. They advise that their live fire training unit generates large amounts of smoke which could expose them to potential injunctions restricting the use of their facility. At the time of writing, they advised that this provided the only 'hot' fire training facility in the Country and potential complaints could have an impact upon their essential services and restrict them in their long term vision to develop the Kingsway site into a fully integrated service training facility. They advise that they are prepared to purchase additional land from the applicants in order to create their own buffer.

The letter of comment that has been received in response to the application is from a resident on Uttoxeter New Road. Confirmation is sought by the resident that the hedgerow that extends along their rear boundary and adjacent to the site will remain in place to ensure that their privacy and amenity is maintained.

Support for the scheme is outlined in a representation received from the Derbyshire Mental Health Services NHS Trust. They stress that their own facilities will be maintained on the Manor / Kingsway site for years to come and they have an interest in ensuring that it provides a therapeutic environment for people resident in their accommodation. They welcome the retention of mature trees and provision of additional planting but suggest that some screening alongside their own boundaries may be needed in order to ensure that resident's privacy is maintained. They are considering implementation of their own travel plan and welcome the inclusion of new cycle paths within the site and safe pedestrian routes across neighbouring roads. No objections to the scheme are raised and it is suggested that methods of screening noise for its patients are welcomed as is the provision of residential accommodation adjacent to its own accommodation which will provide a sense of integration between the communities.

*These representations have been reproduced in this report.*

## **8. Consultations:**

### **8.1. Environmental Services-Trees:**

It is suggested that individual and group Tree Preservation Orders should be placed on the trees to protect them in the short term from being removed as part of the proposals. This is also with a view to the longer term as trees may fall within back gardens of proposed dwellings or within the curtilage of business premises. The tree survey that has been provided highlights that a number of trees on this site are important and should be retained.

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### **8.2. Environmental Services- Pollution:**

The conclusions drawn in the Preliminary Ground Investigation report have been considered. Given that potential sources of contamination have been highlighted, it is recommended that conditions are attached to any planning permission which requires the submission of an additional desk top study. Where contamination is identified, a risk assessment should be carried out to determine the levels of contaminants and potential risk to end users and other receptors. A detailed report will need to be submitted which summarises the findings along with a remediation report and validation statement. All elements of the report should be submitted to the Council for approval, prior to the development commencing.

The conclusions drawn in the Air Quality Assessment and Noise Assessment have been considered. A number of issues are highlighted relative to the detailed information provided in both reports. It is advised that a full air quality and noise assessments will be required for the CHP facility once the details of its design are known. The noise implications for the gardens of the proposed dwellings needs further consideration and it is agreed that noise mitigation measures will need to be secured for the dwellings fronting Kingsway. A combined air quality assessment of the CHP plant together with traffic generated from the whole 'master plan', including additional parking areas not actually on this application site and taking into account any planned developments, would be useful.

### **8.3. Derbyshire County Council Archaeologist:**

It is noted that the site comprises a group of 19<sup>th</sup> century hospital buildings comprising the former Derby Borough Lunatic Asylum with subsequent additions and alterations including 1930's buildings by the Borough Architect C H Aslin. These buildings are listed in the Derbyshire Historic Environment Record. The significance of the buildings lies in their group as an imposing example of a late 19<sup>th</sup> and early 20<sup>th</sup> century industrial complex. The development of institutional buildings during this period is an important part of the cultural history of Derby and the landscape setting of the buildings incorporates the former 19<sup>th</sup> century landscape park of Thornhill House. The Aslin connection is of particular relevance to the architectural history of Derby. It is therefore argued that a number of the buildings are of sufficient merit to be included on the local list. It would therefore be appropriate for the City Council to require the retention of these buildings within the proposed redevelopment. Should it be considered that the regeneration benefits of the scheme outweigh the significance of the building group, then there would be a requirement for a conditioned programme of building recording to mitigate the loss of the historic fabric and this should be carried out before the commencement of the development.

The Heritage Statement gives no consideration to the below-ground archaeological potential of undeveloped parts of the site and this is an unfortunate omission. The proposal area includes large areas of open land outside the hospital complex. Historic maps suggest that these areas have been open parkland and agricultural fields throughout the post-medieval period. There is therefore a good chance that earlier archaeology (pre-

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historic, Roman, early medieval) may survive in these areas. While the proposal area does not contain any known archaeological sites, it is 200m from the course of the Rykneld Street Roman road which survives as a standing earthwork 800m to the south at Pastures Hill. There are a significant number of prehistoric and Roman-British findspots within 1km of the proposal area including Roman coins and pottery, prehistoric stone axes and medieval pottery. This certainly confirms that there was prehistoric and roman activity in the immediate vicinity of the proposal area.

It is therefore recommended that an archaeological evaluation is carried out before determination of the planning application. Should planning permission be granted prior to this evaluation being carried out a geophysical survey should be carried out as a conditioned scheme. Should the survey locate any features of potential archaeological interest then further archaeological investigation would be required from trial trenching up to open area excavation. It is recommended that conditions should be attached to any planning permission granted which require the implementation of a programme of archaeological building recording and the implementation of a programme of archaeological evaluation and mitigation.

### **8.4. Environment Agency:**

In response to the Ground Contamination, Landgas Risk Assessment and Preliminary Ground Investigation Report the Agency advise that it serves primarily as an assessment of risks associated with the adjacent landfill. It is indicated that elevated levels of PAH's have been found in the groundwater beneath the site and that this may be from the landfill or from historical tanks used at the site. It is noted that the report recommends that a full site investigation should be carried out and this should include an investigation into the presence of any radioactive substances. The Agency advise that the development will only be acceptable if a condition is imposed which requires those further site investigation works. Details of proposed conditions are outlined by the Agency who has requested that they be consulted on the information provided. They also provide advice as to additional guidance that is available relative to the treatment of contaminated materials and advice of the additional licenses that may need to be secured by the applicants. It is suggested that opportunities should be explored to enhance Bramble Brook as part of the mitigation process such as opening up of shaded areas through the coppicing of trees and allowing a ground flora to establish.

The Agency has considered the information provided in the Flood Risk Assessment and Preliminary Drainage Strategy Report and subsequent information provided by the consultants. They advise that they consider the development will only be acceptable if conditions are imposed on any planning permission granted which require drainage details for the site to be submitted and approved by the Local Planning Authority. It is suggested that the condition should require a surface water drainage scheme for the site which is based on sustainable drainage principles and provides an assessment of the hydrological and hydrogeological context of the development. The submitted information should also indicate how the scheme shall be managed and maintained after completion. The Agency advises that the scheme should



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include SUDS elements with attenuation, storage and treatment capacities incorporated.

### **8.5. Derbyshire Wildlife Trust:**

Advise that the submitted ecological survey identifies one non-statutory site is present close to the development site but there is a second that has not been identified. However, this is not considered to be particularly significant as it is unlikely it would be directly affected by the proposals. It is advised that all the surveys completed by the consultants have been carried out at appropriate times of the year. An impact assessment has not been completed therefore it is difficult to determine which habitats will be lost and which will be retained. It is recommended that the trees identified as having potential to support bats that are scheduled to be removed are surveyed in further detail prior to felling. The Trust support the recommendations made in the survey in relation to lighting and would recommend that low level lighting on timers is used where absolutely necessary. The Trust supports the recommendations to erect bird boxes and provide compensatory planting for nesting and feeding birds and support the proposals to safeguard the Bramble Brook through its inclusion within the Green Wedge and recommends that impacts on it are minimised during construction works on site. It would be useful to have further information on the future management of the green wedge to ensure that wildlife opportunities are maximised on site. The inclusion of detention basins, balancing ponds and wetland areas as part of a SUDS scheme is supported as a means to enhance the biodiversity value of the site. However concerns are expressed regarding the loss of the existing balancing pond. Whilst it is acknowledged that it has been created relatively recently, it is beginning to naturally develop ecological interest and was surveyed as part of the Derby City Pond Survey 2004/2005. It has been suggested as a candidate White Clawed Crayfish 'ark' site. It is recommended that the pond is retained or replacement ponds be allowed to become established before the existing pond is destroyed. The production and implementation of a detailed habitat management plan is supported which should include post-mitigation monitoring.

### **8.6. Police Liaison Officer:**

The Officer is encouraged by the references to crime and its prevention through the design of the built environment that are outlined in the supporting application documents. There is a desire to include segregated pedestrian and cycle links within the development but if they are to be encouraged they should have a requirement to be safe and secure. If segregated routes are required they should be as straight and as wide as possible and avoid any hiding places. They should be overlooked by buildings and should lead to a destination where people want to go. Car parking should also be designed in order to ensure that it is safe and secure. It is recommended that the local retail units are implemented as part of Phase one to establish good sustainable user habits and reduce short car journeys. The public open spaces should be an integral part of the design and not be allocated to areas of poor quality, left over land. Conflicts have arisen when poor quality land with drainage has been incorporated into schemes with residents concerned

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about the risks associated with unguarded areas of water. Many key workers within the caring and health industries are low paid and work shifts. Safe routes from this development to the City Hospital should be provided. A primary, well lit safe route should be designed in and it would also encourage greater sustainability. It is also advised that any residential areas close to the hospital should also be designed to avoid indiscriminate parking by workers and visitors attempting to avoid parking charges at the City Hospital.

### **8.7. Highways Agency:**

Following extensive discussions and technical assessment the Highways Agency have confirmed that the principle of the development is acceptable, being consistent with the SPD document for the site. The proposals as they stand do however have the potential to generate unacceptable negative impacts on the nearby trunk road network. Therefore, if the Council are minded to grant planning permission conditions should be attached to the permission which require the junction improvements to the A38 / A5111 'Grand Canyon' junction to be undertaken prior to any part of the development being occupied. A condition should also be attached which requires the development to proceed in accordance with the agreed Travel Plan for the site.

### **8.8. Sport England:**

Sport England advised that a major development of this scale will generate significant demands for indoor and outdoor sports facilities. It suggested that strategic developments of this scale offer unique opportunities to produce sustainable communities that put sport and physical activity at the core of the master planning process, thus positively influencing the quality of life for residents both new and existing communities in the area. It is questioned whether the information provided with the application includes a robust and up-to-date assessment of the need for such facilities as required by local plan policy R4. It is suggested that it cannot be assumed that facilities required to meet the needs of former patients will meet the needs of a new residential community. Sport England advice is provided on the additional sports provision it is considered should be provided which could be secured off site using contributions secured through the Section 106 Agreement if this is not provided on site. Subsequent to this advice Sport England have suggested that if the Council is entirely satisfied that the proposals meet strategic plans for the sustainable future of recreation facilities in the City than the concerns raised by them are satisfied.

### **8.9. Natural England:**

Natural England support the breadth of information provided in relation to the natural environment and the attention given to ensuring minimal harm to natural features and seeking ways to incorporate net environmental benefits within the scheme. Support is given to the mitigation presented in section 6 of the protected species survey relevant to securing the appropriate license if bats are discovered on site. Natural England request that those mitigation details are enforced through a condition of planning permission. It is also advised that a condition is attached to ensure that adequate protection of wild

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birds and their nests which are protected under the Wildlife and Countryside Act (1981 as amended).

### **8.10. East Midlands Development Agency:**

EMDA supported the outline planning application and recommended its approval. It considered the scheme alongside the priority actions outlined in the Regional Economic Strategy 2006-2020 'a flourishing region'. In particular support was highlighted for establishment of a community trust to ensure the long term stewardship of the open space element and the general direction towards infrastructure provision and advised that this should be progressed through to the detailed design stage. They advised that it would also be necessary to ensure that appropriate mechanisms are in place to ensure that the scheme secures an appropriate mix of housing and that the high quality design and environmental standards that are being proposed, including those intended for the business park, are secured as part of the detailed design.

## **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
GD7	Comprehensive Development
GD8	Infrastructure
R1	Regeneration Priorities
R4	Land at the Former Manor Kingsway Hospitals
H11	Affordable Housing
H12	Lifetime Homes
H13	Residential Development – General Criteria
S2	Retail Location Criteria
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
L2	Public Open Space Standards
L3	Public Open Space Requirements in New Development
L10	Allotments
T1	Transport Implications of New Development
T4	Access, Parking and Servicing
T6	Provision for Pedestrians
T7	Provision for Cyclists
T8	Provision for Public Transport

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T10 Access for Disabled People

T15 Protection of Footpaths, Cycleways and Routes for Horseriders

Supplementary Planning Document: Development of the Manor / Kingsway Hospital Site

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

### **10. Officer Opinion:**

This application seeks permission to establish the principle of accommodating a large scale mixed use redevelopment scheme on the former Manor / Kingsway hospital site which will have significant implications for its character and use. To some degree, the principle of the redevelopment of the site has already been established given that it is allocated as a regeneration priority site under saved local plan policy R4 and this aim is reaffirmed by the adoption of the Manor Kingsway SPD. The SPD is a material consideration in the determination of this application, which should be given significant weight.

The loss of the existing buildings on this site has been given careful consideration. We do have some comfort with regards to their status given that they have been evaluated by English Heritage in recent years. At the present time none of the buildings on the site are listed either statutory or locally and therefore there are limited grounds on which it could be argued that this outline scheme should be resisted, based on their loss. Given the information provided in the heritage statement and the advice provided by the County Archaeologist, it is clear that there are some buildings with historic character whose retention would be desirable. However, a pragmatic view must be taken when balancing the demolition implications against the regeneration merits of the scheme. Our local plan policies and SPD require comprehensive redevelopment of the site for housing and employment purposes and the re-use of the existing hospital buildings would limit those opportunities spatially and financially given their age and suitability for adaption to other uses. The intention to retain the Porters Lodge and Braemar House are supported but in light of our policy regeneration requirements and lack of formal protection for the buildings concerned it is my opinion that a refusal of this application could not be defended based on securing their retention. Likewise, given the implications of our regeneration aspirations for the site, it is accepted that its open parkland and agricultural areas will be lost to comprehensive built development.

Policy R4 indicates that the regeneration of the site should be a residential led mixed use development with a requirement for a high quality business park. It indicates that the residential element should bring forward a minimum of 700 dwellings and the employment 6.9 hectares. These requirements are reflected in the SPD along with the requirements that the proposal should;

1. Be accompanied by a Transport Assessment;
2. Provide measures to encourage alternative modes of transport to the car, related road improvements and junction improvements; and high quality pedestrian and cycle routes within the site;

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3. Provide measures to secure improvements to the surrounding road network to facilitate public transport and any necessary road and junction improvements;
4. Include phased implementation of the business and residential uses;
5. Secure the retention of trees and landscape features, which make a significant contribution to the character and appearance of the site;
6. Make provision for sports facilities based on a robust and up-to-date assessment of the need for such facilities.

The different elements which form this scheme are best considered individually in order that they can be considered in relation to other relevant policies.

### **Residential**

The total number of dwellings being outlined and their split between market housing and key worker / affordable units is in line with the requirements of policy R4. The parameters plan demonstrates the proposed layout of uses across the site and the location of the housing elements adjacent to existing dwellings on Uttoxeter New Road, adjacent to the Derby Mental Health Trust residential accommodation and in areas where residential development can front the green wedge and proposed public open space is supported. Derbyshire Mental Health Trust have made it clear that they support the provision of residential development adjacent to their site and it is hoped that this redevelopment will assist in creating a community that those existing residents will feel integrated with. Detailed consideration to the relationship that the new buildings will have with the existing buildings on and adjacent to the site will be undertaken at the reserved matters stage. Although the proposals are submitted in outline only, the existing crescents and avenues which extend through the grounds and are tree lined have been taken into consideration and it is considered that retention of such features will assist in providing attractive residential areas with some sense of place. I am therefore confident that a satisfactory living environment can be secured for future occupiers at the reserved matters stage.

The final number of residential units that can be accommodated on the site will be dependent on the detailed design of the individual layouts to be accommodated within the different areas of the site, taking into account its individual characteristics and relationship to retained buildings and uses. The numbers accommodated will also be affected by the need to retain important landscape features including the existing avenues and trees and the provision of open space areas. The information provided in the design and access statement goes some way to try and estimate the number of units that could be provided in each of the defined residential areas that the application identifies. This calculation is based on a basic estimate of site area and potential density. The densities anticipated range between 35 and 65 dwellings per hectare. This process is successful in demonstrating the provision of the required 700 units but this will be dependent on more detailed information being provided and considered at the reserved matters stage. It is intended that a phasing strategy will be secured as part of the Section 106 Agreement which will require a strategy to be formulated which outlines the phased release of areas of previously developed and Greenfield land across the site as well as agreeing the timing of the provision of the 200 keyworker units. This will enable monitoring of the release of land and the number of units being provided which is considered important given the scale of development being proposed. Although this is an outline scheme and the

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detailed information which will identify the exact number of units being proposed is not yet available it provides some comfort that the scheme has the potential to meet the housing numbers sought by policy R4 and the Manor/ Kingsway SPD.

### **Employment**

Policy R4 requires that there be a high quality business park of no less than 6.9 hectares. The proposal is for a site of 5.4 hectares which is a shortfall of 1.5 hectares. This is considered a minor shortfall and is not sufficient to raise concerns in terms of the quantitative supply across the City. The intention in the application submission is for a high quality campus style development and it is considered that this will be advantageous for the qualitative employment land portfolio of the City as a whole and offers benefits which outweigh the shortfall in size.

I agree with the information provided in the design and access statement that locating the employment land in one area will provide a more commercially viable mass of development that can be marketed as a business destination. It would also be beneficial for traffic associated with the employment uses to be focussed in one area of the site without a need to filter through the new residential streets. One of the local residents who have objected to the application suggests that the business units should not be visible from Kingsway and should be located nearer to the boundary that the site shares with the A38. This is not a realistic option given that the land closest to the A38 that falls within the boundaries of the application is allocated as green wedge therefore its open character is of importance and there would be no presumption in favour of a business park on that land. Through the approval of reserved matters, I am satisfied that a high quality design of development can be secured for this site which provides a style of business park that does not compromise the existing character of Kingsway.

The concerns raised by the fire service in relation to the function of their site on Kingsway and how it may be impacted by the development have been considered carefully. The applicants are aware of the concerns raised and the fire services suggestion that they are prepared to purchase more land in order to provide their own buffer. The applicants have advised that the SPD and local plan policy R4 place certain requirements on the amount of uses needed to be accommodated on site and this does not open up any opportunity for any land to be sold on and put into alternative use. The applicants have advised that the concerns of the fire service have provided further justification for locating the employment land at the Kingsway end of the site. It is suggested that the business park would serve as an appropriate buffer for the fire station and I am satisfied that together, with the allotment land, those uses will provide a sufficient buffer between the residential areas and the fire station site. The treatment of the boundaries between the sites can be given further consideration at the detailed design stage but I could not sustain objections to the scheme based on the land use proposals outlined in the parameters plan.

### **Retail**

Retail development does not form part of the uses outlined in local plan policy R4. The SPD does list retail as acceptable provided it does not exceed 500 sqm and subject to its provision being in line with retail policy. Local plan policy S2 and PPS4 require that retail development outside defined centres show evidence of a sequential approach to site selection. Although that evidence does not form part of

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the application submission I am satisfied that the small scale retail proposals can be justified. This is based on the number of new residents who will have day-to-day needs for some local retail provision and the provision of convenience floor space should not impact upon existing centres in the shopping centre hierarchy. Given its proposed siting within the site, it is anticipated that the retail uses can be accessed by non-car modes of transport by future residents and employees working at the business park. The retail units are also proposed to be provided around a central square which will assist the scheme in meeting other requirements of the SPD which suggest that high quality sustainable urban design should be encouraged on the site through a number of ways, one being establishing a physical focal point in the new development as a natural hub of activity. The provision of the retail element is only to serve a local need though and is not intended to become established as a retail destination in its own right. It is therefore important that any planning permission that may be granted includes conditions which limit the retail sales to convenience goods only and specifies that no more than 500 sqm of retail floorspace should be accommodated across the whole site. With such conditions in place, I would raise no overriding policy objections to the provision of the retail uses that are proposed on the site. The advice of the Crime Prevention Design Advisor has been noted and it is agreed that to encourage future occupiers to use these local facilities, they should be secured as one of the earlier phases of the development. I am satisfied that this is an issue that can be addressed as part of the phasing strategy which is to be secured as part of the Section 106 Agreement.

### **Highways**

The broad development principles outlined in policy R4 and the SPD include highway objectives and they need to be given detailed consideration in the determination of this application given that the means of access are to be approved as part of the outline scheme. Whilst the SPD considers the re-development of the whole Manor / Kingsway site including the car parking for the hospital and the park and ride which is located on land outside of the application site, these comments deal only with this application.

### **Site Access**

The site is proposed to be accessed by vehicles at two points, as recommended by the SPD. These are from the large signalised roundabout provided as a consequence of the hospital redevelopment and also from an improved junction that currently serves the Kingsway retail park. The improved junction will not only provide additional capacity to cater for the traffic generated by the development but will also provide improved pedestrian/cyclist access across Kingsway providing residents with a safe route to the Retail Park. The signalisation of this junction will also remove the existing problem of vehicles leaving the Retail Park blocking the traffic travelling towards the A38.

The SPD calls for the two site access points to have a road link to allow vehicles to pass through the site, but in such a way as to prevent 'rat running'. After much consideration it has been concluded that with such a large reservoir of hospital car parking at the southern end of the site rat running cannot be designed out. Consequently, no vehicular link through the site (other than a link for emergency vehicles) is proposed. Pedestrians and cyclists will however be able to reach all parts of the site.

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It has been agreed that the only development to be accessed from the hospital roundabout will be Key Worker Units and up to 200 Key Worker Units can be accessed in this manner. This reduces to a minimum additional traffic on the hospital roundabout but allows the development some flexibility so that key worker dwellings can be located close to the hospital thereby encouraging walking and cycling between the homes and the hospital.

### **Pedestrian and Cycle links to the Site**

There are currently controlled crossing points on Uttoxeter Road just to the east of the hospital roundabout, at the traffic signal junction at Uttoxeter Road and the Ring Road and on Kingsway just to the south of Albany Road. Where improvements are proposed at the above junctions any appropriate cycle/pedestrian crossing improvements will be incorporated in to the improvement schemes. Additional signalised controlled crossing points will be provided on Kingsway at the access to the retail park as described above and just to the south of the Grand Canyon junction. This new crossing to the south of the Grand Canyon junction will improve links to Mackworth, via the Brackensdale Avenue underpass. A new footway/cycleway linking the development to the highway network is to be provided running parallel to the southern boundary of the Fire Station and another running through the employment site linking to Kingsway in the vicinity of the Albany Road crossing. It is considered that the new pedestrian and cycle facilities strengthen pedestrian and cycle integration with adjoining land uses as required by the SPD.

### **Off-site Highway Improvements**

The SPD lists a number of junctions, where it was suspected improvements were likely to be required. The roundabout providing access to the Derby Royal Hospital was improved as part of its relocation. The applicant is proposing significant improvements to the Kingsway retail access as mentioned above. This junction will provide an impressive eastern gateway to the development. Improvements will also be undertaken at Grand Canyon where the arms that are not currently controlled by traffic signals will be signalised. This improvement has the approval of the Highways Agency. The signalisation of the Kingsway arm will provide drivers with more opportunity to gain access to the A38 and should prevent traffic blocking back to the Kingsway retail junction.

There are also significant improvements proposed to the A5111/A516 signalised crossroads. Additional capacity will be provided on the Kingsway arm by realigning the eastern kerb line on the approach to the junction. A bus lane will be provided on the City bound carriageway of Uttoxeter New Road from the bus lay-by adjacent the Mallard public house to just prior to the traffic signals. There will also be some improvements on the City side of the traffic signals to allow vehicles to merge easier. This bus lane will be provided by undertaking localised widening in the central reserve and so the number of traffic lanes will not be reduced. Changes to the carriageway markings will encourage drivers wishing to turn right at the signals to get in lane much earlier. This should ease the existing problem of queuing drivers waiting to turn right impeding the drivers wishing to go left and ahead which reduces the efficient operation of the junction.

The junction of the A516 with Uttoxeter Old Road was also considered as part of the assessment of this site. Although no specific improvement has been agreed, the



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applicant will be making a generic contribution under the terms of the Developer Contributions SPD and so the junction will be monitored and any improvement considered under the Strategic Integrated Transport Corridors scheme (SITS)

### **Public Transport**

The SPD suggests that there should be bus penetration into the site. However, the removal of the through route makes the provision of a bus service difficult, and bus gates can result in enforcement issues. Also this site is located adjacent to one of the best bus service corridors in the City. Therefore after much careful consideration it has been concluded it is better to invest in the high quality frequent services that already exist rather than trying to promote services which penetrates either end of the site, which may not be successful in the early years. In doing this however it is recognised that some properties will be located more than 400m or 5mins walk from the corridor, which is the guide distance suggested by 'Guidelines for Planning For Public Transport in Developments'. In respect of public transport provision PPG 13 says, "*The aim should be to establish a high quality, safe, secure and reliable network of routes, with good interchanges, which matches the pattern of travel demand in order to maximise the potential use of public transport*" it is considered that the agreed solution best meets this aim.

### **Travel Plan**

Extensive negotiations have resulted in challenging travel plan targets being set for the reduction in single occupancy trips from this site. These targets will be controlled by a S106 agreement and will be monitored with financial penalties if they are not met.

Other elements of the travel plan to be included in the S106 include are as follows:-

1. The provision and /or improvement of real time passenger information at prominent locations within the site and at each of the 4 existing bus stops on Uttoxeter Road;
2. a network of pedestrian/cycle pathways within the site with appropriate signage;
3. provision of broadband internet connections to dwellings to encourage home working and access to travel information;
4. provision of changing and showering facilities within the employment development to encourage the use of non car modes of travel;
5. Free personalised Travel Planning Service for all new householders;
6. A site wide car sharing scheme.
7. A sustainable transport contribution

### **Associated Infrastructure**

As is indicated above, the information provided with the application sufficiently demonstrates that a footpath network will be secured through the site that will provide appropriate links and encourage movement around the site other than by car. The provision of those networks would be in line with saved local plan policy T6 and the requirements of policy T15. The site proposed for the provision of allotment gardens is considered acceptable and meets with the requirements of policy L10. The SPD requires that a replacement site should be able to accommodate 10 allotments

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together with associated car parking. The scheme indicates the provision of 10 – 20 new allotments in the south-east corner and therefore those requirements are accommodated as part of the scheme. Councillor Troup's comments have been noted relative to the provision of facilities within the allotment gardens. It is intended that a Public Open Space Scheme for the site will be secured as part of the Section 106 Agreement and this will secure further details relative to the provision and management of all the open spaces proposed across the site including the allotment gardens.

The provision of the major public open space and sports facilities within the green wedge is supported and is justified under the requirements of saved policy E2 which allows for outdoor sport and recreation. Questions have been raised by Sport England regarding the number of facilities being provided and whether they are considered sufficient to serve the new population that will occupy the redeveloped site. In response to this it should be noted that consideration and assessment of the type and level of amenity and recreation space to be secured as part of this regeneration scheme was carried out through the preparation of the SPD which was the subject of public consultation. The SPD requires the provision of one adult football pitch, two all weather surface tennis courts and a bowling green. The proposals make provision for these with an additional adult football pitch also being proposed. Given the intended population that would result from a scheme of this size, it is also considered that the level of public open space being provided on site meets the aspirations of policy R4 and the SPD along with the requirements of saved local plan policies L2 and L3. The amount of sport, leisure and recreational space that would be provided as a result of this development is therefore consistent with the intentions of the development plan.

There are no provisions for any other community facilities on site as part of this redevelopment such as doctor's surgeries and a school. One local resident has raised concern relating to the provision of 'other' community facilities but our local plan policy and SPD do not require their provision. This does not mean that the implications of the development, for local facilities, have not been taken into account. An education contribution towards primary education, a community centre contribution and library contribution are all being sought through the Section 106 Agreement. This is an established means of securing contributions and improvements to existing local facilities where the provision of new facilities is not considered necessary as part of a particular scheme of redevelopment.

### **Environmental Implications**

Given the level of information provided in the reports that support this application, many of the environmental implications of this development have been identified. The full extent of any impacts will not be known however, until the detailed design of the individual areas of the site are drawn up and further ground works and more detailed assessments are undertaken. Issues relative to trees, biodiversity, ground contamination, drainage, and noise and air quality will therefore need further consideration at the reserved matters stage and this is reflected in the conditions outlined in section 11 of this report. Protection of the County Wildlife Site and Bramble Brook will be of particular importance. It should be noted that a public open space scheme and nature conservation management plan for the site are proposed to be secured through the Section 106 agreement.

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The development of a wood fuel (combined heat and power) energy facility as part of the scheme is supported and would assist the development in meeting the sustainability aspirations of the SPD and the requirements of saved local plan policy E10. The full implications of the provision of such a facility on site will not be known until its detailed design is provided as part of the reserved matters. I am satisfied that sufficient mitigation measures can be secured at that stage which will ensure that the benefits of such a facility are not outweighed by any other amenity concerns. The stated aims outlined in the application submission of constructing the residential and business units to level 4 of the Code for Sustainable Homes and BREEAM rating of 'very good' for the business units is in line with the intentions of Policy E10 and is welcomed. Achieving such aims depends on a number of factors specific to the individual designs of the schemes that are secured at the reserved matters stage. We have some comfort that these aims will continue to be pursued at that stage given that this is a regeneration scheme that is being proposed by the HCA who have their own quality standards. They have made it clear in the submitted design and access statement that it is their intention for this scheme to become an exemplar sustainable community. The HCA being the applicant is not a material consideration in the determination of the application but its aims and aspirations for this site are welcomed.

### **Conclusion**

This site has been considered a regeneration priority for the City for some time and a number of applications have been considered in the past for its redevelopment. They have not been brought to a satisfactory conclusion, for a number of reasons including issues relative to the proposed site access solution. This application proposes a satisfactory access solution which it is considered is achievable and suitable given the characteristics and constraints of the site and the surrounding highway network. The extent of the uses being proposed across the site broadly meets with the aims of the saved local plan policies and the aspirations for the site which are detailed in the Manor Kingsway SPD. These conclusions are reached following detailed consideration of all the supporting information provided with the application.

It is considered that this scheme will provide a good mix of new housing and business uses for the local area as well as attractive areas of open space and improved leisure facilities. The HCA's desire to achieve this alongside high standards of design is supported and it is considered reasonable that conditions should be imposed which require the reserved matters applications to broadly meet with the layouts indicated in the parameters plan and the aspirations outlined in the design and access statement. With such conditions in place, I am satisfied that an appropriate form of development can be achieved across this site and I raise no objections to the outline scheme being granted with access details approved.

## **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.

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### **11.2. Summary of reasons:**

The proposal has been considered against adopted City of Derby Local Plan Review policies, the supplementary planning document: Development of the Manor / Kingsway Hospital Site and all other material considerations as summarised at 9 above. It is considered that this proposal offers an appropriate redevelopment scheme for the site and it is considered that an appropriate design and layout of development can be achieved at the reserved matters stage. The access details that have been provided are considered acceptable to meet the needs of the proposed development and are acceptable in highway safety terms.

### **11.3. Conditions:**

1. Standard condition 01 (reserved matters) to be worded:
  - (a) The layout, scale and appearance of the development;
  - (b) The landscaping of the site
2. Standard condition 02 (approval of reserved matters)
3. Standard condition 21 (Landscaping within 12 months (condition 1b))
4. Standard condition 19 (Means of enclosure)
5. Standard condition 51 (Service runs and trees)
6. A Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall accord with BS:5837 and detail on-site measures to protect the trees. The Tree Protection Plan shall be submitted to and agreed in writing by the Local Planning Authority before any work is commenced on site and the approved details shall be implemented prior to the development commencing. The protection measures shall be retained at all times, with no use of or interference with the land contained within the protection zone, until the completion of construction works unless otherwise agreed in writing by the Local Planning Authority.
7. The reserved matters pursuant to condition 1 shall broadly accord with the layout details outlined in the Application Parameters Map drawing no. 3.100 received 21 July 2008 and the design vision and framework for the site outlined in the submitted Design and Access statement dated June 2008.
8. Precise details relative to the car parking and servicing arrangements for the development shall be included as part of the layout details submitted pursuant to condition 1 (a).
9. Details of the internal road layout for the site shall be submitted to and approved in writing by the Local Planning Authority and shall be designed in accordance with the principles set out in 'Manual For Streets'. Other construction details shall conform to the 6C's Highway Design guide.
10. There shall be no motor vehicle route (other than for emergency vehicles) through the site between the junction of the A38/A516/B5020 and improved site access / retail park junction on Kingsway.

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11. The keyworker dwellings hereby approved shall be the only dwellings to take their vehicle access from the junction of the A38/A516/B5020 roundabout and this shall not exceed 200 units.
12. The road layout that links to the improved junction at Kingsway shall take the form of a loop road with the link between the loop and Kingsway being as short as possible. The link shall be designed to avoid accidental blockage and no statutory undertakers equipment or drains shall be placed in the link. All elements of the design shall be agreed with the Local Planning Authority prior to any development commencing.
13. No part of the development shall be occupied or be brought into use until:
  - (a) The A38/A5111 has been fully signalised in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority
  - (b) The Toucan crossing located approximately 70m southeast of the Grand Canyon junction has been provided in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority
  - (c) The roundabout on Kingsway which provides access to the Kingsway retail park has been improved in accordance with details to be submitted to and approved in writing by the Local Planning Authority
  - (d) The junction of the A5111 and A516 has been improved in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority
14. No part of the development shall be occupied or be brought into use until details of a pedestrian / cycling route between the site and the public highway have been submitted to and approved in writing by the Local Planning Authority. These routes shall be provided at the following locations;
  - (a) Parallel to the southern boundary of the Fire Station
  - (b) In a suitable location adjacent to the Albany Road signalised road crossing
15. Through all phases of the construction of the development and when the development is complete, access to the existing and retained uses on the Manor / Kingsway Hospital site shall be maintained at all times.
16. No part of the development hereby permitted shall be occupied until the proposed improvement to the A38/A5111 'Grand Canyon' junction broadly indicated in drawing A030618/61 has been completed to the satisfaction of the Local Planning Authority in conjunction with the Highways Agency.
17. The development hereby permitted shall proceed in accordance with the agreed Travel Plan for the site dated 19<sup>th</sup> August 2010 and with reference RT30618-1-03 unless otherwise agreed in writing by the Local Planning Authority in conjunction with the Highways Agency.

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18. No development shall take place until the applicant or their successor in title has secured the implementation of a programme of archaeological building recording in accordance with a written scheme of investigation (WSI) which shall be submitted to and approved in writing by the Local Planning Authority. The recording work shall be carried out by a suitably qualified and experienced contractor.
19. No development shall take place until the applicant or their successor in title has secured the implementation of a programme of archaeological evaluation and mitigation in accordance with a written scheme of investigation that shall be submitted to and agreed in writing by the Local Planning Authority. The work shall be carried out by a suitably qualified and experienced contractor.
20. During the period of construction works, measures to protect Bramble Brook shall be implemented in accordance with details that shall be submitted to and agreed in writing with the Local Planning Authority, before development is commenced.
21. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been 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.
22. Prior to the development commencing, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  - (a) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - Potentially unacceptable risks arising from contamination at the site.
  - (b) A site investigation scheme, based on the findings identified in the risk assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - (c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- (e) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

- 23. If during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 24. The construction of the dwellings, business and retail units shall have full regard to the need to reduce energy consumption and a scheme shall be submitted and approved in writing by the Local Planning Authority, to demonstrate what measures are proposed before the development is commenced. The approved scheme shall be implemented in its entirety before it is occupied.

### **11.4. Reasons:**

- 1. Standard reason E01
- 2. Standard reason E02
- 3. Standard reason E09 (policy E17)
- 4. Standard reason E09 (policy GD5)
- 5. Standard reason E32 (policy E9)
- 6. Standard reason E24 (policy E9)
- 7. To ensure that the future development of the site proceeds in accordance with the indicative scheme that is outlined in the application submission in the interests of securing a high standard of mixed use development across the whole of the site in accordance with the aims of saved policy R4 and the Development of the Manor / Kingsway hospital site supplementary planning document.
- 8. To ensure that an appropriate level of parking, servicing and manoeuvring space is provided as part of the development in the interests of minimising the danger, obstruction and inconvenience to users of the site and the highway in accordance with the aims of saved policy T4 of the adopted City of Derby Local Plan Review.
- 9. To ensure that the proposed road layout is designed to an appropriate standard and will produce a workable network of roads that will

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adequately serve future residents in the interests of minimising the danger, obstruction and inconvenience to users of the site and the highway and in accordance with saved policy T1 of the adopted City of Derby Local Plan Review.

10. To ensure that the proposed road layout is designed to an appropriate standard and will produce a workable network of roads that will adequately serve future residents in the interests of minimising the danger, obstruction and inconvenience to users of the site and the highway and in accordance with saved policy T1 of the adopted City of Derby Local Plan Review.
11. To ensure that the proposed road layout is designed to an appropriate standard and will produce a workable network of roads that will adequately serve future residents in the interests of minimising the danger, obstruction and inconvenience to users of the site and the highway and in accordance with saved policy T1 of the adopted City of Derby Local Plan Review.
12. To ensure that the proposed road layout is designed to an appropriate standard and will produce a workable network of roads that will adequately serve future residents in the interests of minimising the danger, obstruction and inconvenience to users of the site and the highway and in accordance with saved policy T1 of the adopted City of Derby Local Plan Review.
13. To ensure the safe and free flow of traffic on the highway and to assist public transport movements on the A516 in accordance with saved policies T1, T4 and T8 of the adopted City of Derby Local Plan Review.
14. To promote sustainable modes of travel and in accordance with saved policy T1 of the adopted City of Derby Local Plan Review.
15. To ensure that the existing uses on the site are not prejudiced in the interests of minimising the danger, obstruction and inconvenience to users of the site and the highway and in accordance with saved policy T4 of the adopted City of Derby Local Plan Review.
16. To ensure that the A38 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highway Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety, in accordance with saved policy T1 of the adopted City of Derby Local Plan Review.
17. In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with saved policy T1 of the adopted City of Derby Local Plan Review and guidance in Planning Policy Guidance Note 13: Transport.
18. To ensure suitable recording of any archaeological interest on the site in accordance with saved policy E21 of the adopted City of Derby Local Plan Review.



## **Committee Report Item No: 6**

**Application No:** DER/07/08/01081

**Type:** Outline with Access details to be approved

19. To protect any archaeological interest on or under the site and in accordance with saved policy E21 of the adopted City of Derby Local Plan Review.
20. To ensure satisfactory measures are put in place to protect Bramble Brook during construction works in the interests of protecting wildlife and the water environment and in accordance with saved policies GD3 and E5 of the adopted City of Derby Local Plan Review.
21. To prevent the increased risk of flooding, improve and protect water quality, improve habitat and ensure future maintenance of the surface water drainage system in accordance with saved policy GD3 of the adopted City of Derby Local Plan Review and PPS25: Development and Flood Risk.
22. To ensure satisfactory measures are put in place to protect controlled waters and in accordance with the aims of saved policy E13 of the adopted City of Derby Local Plan Review.
23. To ensure satisfactory measures are put in place to protect controlled waters and in accordance with the aims of saved policy E13 of the adopted City of Derby Local Plan Review.
24. There are opportunities to incorporate renewable energy features in the development, such as solar panels and/or wind turbines and include water conservation measures, which will help to reduce energy consumption, reducing pollution and waste and in accordance with saved policy E10 of the adopted City of Derby Local Plan Review.

### **11.5. Informative Notes:**

The applicants are advised to consider the advice provided by the Environment Agency in their letter dated 03 November 2008. The advice outlined in the letter should be taken into consideration when reserved matters proposals are being formulated and in the discharge of the conditions that are the subject of this outline planning permission.

The conditions outlined in this decision notice require works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Robert Waite Tel 01332 641876 for details. The Highways Agency also requires you to enter into a suitable legal agreement to cover the design and construction of the works. You are advised to contact the RST Manager, Paul Bodimeade on 0121 687 2559 at an early stage to discuss the details of the highways agreement.

Derby City Council operates the Advanced Payments Code as set out in sections 219 to 225 Highways Act 1980 (as amended). You should be aware that it is an offence to build dwellings unless or until the street works costs have been deposited with the Highway Authority.

For details of the 6C's design guide and general construction advice please contact Robert Waite Tel 01332 641876.

## **Committee Report Item No: 6**

**Application No:** DER/07/08/01081

**Type:** Outline with Access  
details to be approved

The drainage scheme proposed for the site should provide a sustainable drainage strategy to include SUDS elements with attenuation, storage and treatment capacities incorporated as detailed in the CIRIA SUDS Manual (C697).

Approved document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

The applicants are advised to consider the advice provided by the Environment Agency in their letter dated 03 November 2008 reference LT/2008/106384/02-L01.

The applicants are advised that work on the buildings, trees and hedgerows should commence to avoid the bird breeding season which extends from March to late August. If it is not possible, a check for nests should be undertaken by an experienced ecologist immediately before works start. If any nests are found, they must be protected from disturbance until all young have fledged. This is in accordance with the Wildlife and Countryside Act (1981 and as amended).

### **11.6. S106 requirements where appropriate:**

The provision of 200 affordable units and 70 units to Lifetime homes standard, public open space, public art, education, community centre and library contributions and provision of a nature conservation management plan and travel plan. Contributions towards off site highway works and public transport will also be pursued through the agreement. It is also intended the agreement will secure the provision of a phasing strategy to include details relative to the release of previously developed land and Greenfield land for development, the implementation of off-site highway works, the provision of open space facilities, social housing and the surface water drainage system.

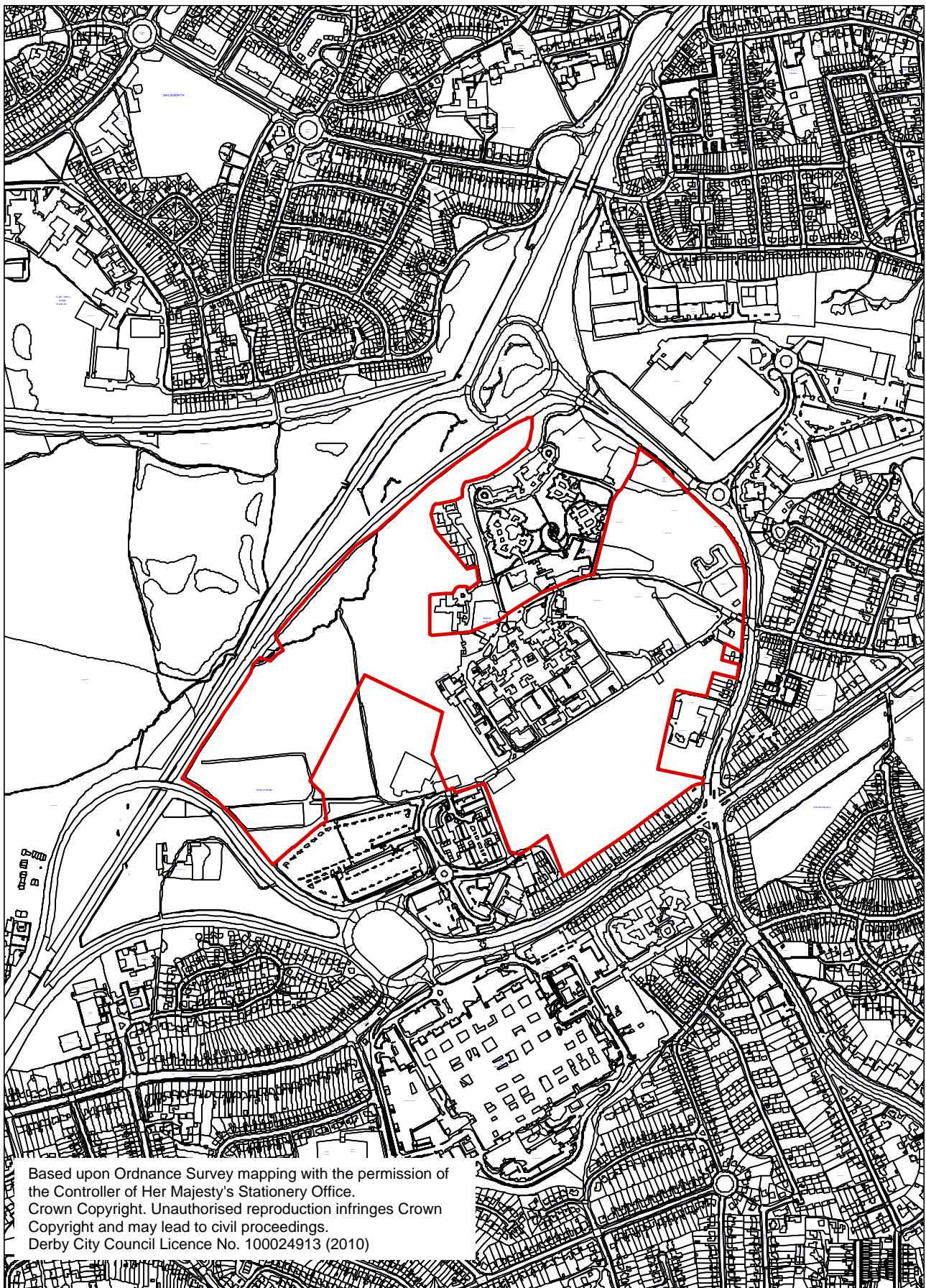
### **11.7. Application timescale:**

The deadline for the determination of this application has already expired.

**Committee Report Item No: 6**

**Application No:** DER/07/08/01081

**Type:** Outline with Access  
details to be approved



# Enclosure

## **Neighbour comments for Planning Application 07/08/01081**

**Site Address:** Site of and land at Kingsway Hospital, Kingsway, Derby

**Comments received from:** Mr Goodwin, 468 Uttoxeter New Road

**Type of Response:** COMM

### **Comments:**

I have a private dwelling adjacent to the Kingsway site and have been aware that building work is inevitable. For this reason myself and my immediate neighbours have let the hedges at the bottom of our gardens reach a height of around 30 foot. Can I have an assurance that these hedgerows (hawthorn) will remain in place so to maintain our privacy and also add to the security of our homes. The hedgerows we have grown were recommended by the local crime prevention officer after we had a spate of burglaries.

**Date Comments Accepted:** 26/08/2008



# Enclosure

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**From:** steve howitt  
**Sent:** 01 September 2008 20:03  
**To:** Reid, Rachel  
**Subject:** Re: SUPPLEMENTRY PLANNING DOC- MANOR/KINGSWAY

Good Morning Rachel

I have read the new proposals for the Kingsway site from the letter sent out last week and I'm concerned about the proposed Bio fuel burner to be situated behind the fire station, as this was not on the proposals early on in the year !

So much for the air quality study for the area, i feel this has been dropped in at the last minute so as to get the green light in the shortest period of consultation ! .

There was no mention of it in the Derby Evening Telegraph either !,

The proposed Bio fuel burner on the old QDF site on Victory Rd I read would receive between 20 and 25 lorries a day, was this taken into account when they air quality studies for the area were done.

The fire station was training the other day and you can smell the fumes and see the smoke, so what would basically a power station produce.

Regards

Steve Howitt

# Enclosure

**From:** Troup, Robert  
**Sent:** 05 September 2008 15:38  
**To:** Coupe, Sara  
**Subject:** 07/08/01081

I would like to object to this planning application because:

1. The provision for allotments is inadequate
2. Traffic problems in the area will be worse and works are needed on access to the Kingsway retail park

## Allotments

The demand for allotments nationally is increasing rapidly. Leicester recently reported a doubling in its waiting list and in London waiting times are 10 years or more. The allotments in this area have been underused in recent times but are now fully used and interest is "growing". The Planning Statement (PS) at 5.5.2 recognises that CDLPR Policy L10 requires satisfactory alternative allotment provision and at 7.8.2 offers 10-20 allotments of unspecified size. The application refers to the allotments as "located to buffer proposed new housing from the adjacent fire station." Permission is sought for 700 dwellings. If 5% require an allotment of say 300 sq m, an area of about 1 hectare would be needed - the plot shown on the maps appears much smaller than this, possibly about 0.2 hectares. The developer should provide an allotment site of about 1 hectare, provide access suitable for a tractor with a tipping trailer to all plots, make a water supply available, provide secure boundaries and install standard sheds to improve the visual effect of the allotments. Provision of a toilet and washing facility in addition to these would make it one of the best equipped allotment sites in the country.

## Traffic

A major cause of traffic congestion in the area is caused by traffic seeking to turn right on the access road to Kingsway retail park (i.e. Kings Highway and Currys). S106 money should be sought to alter the access road to prevent right turns so that traffic has to use the roundabout at the bottom of the hill - only a very short extra distance that will save lengthy queuing.

Regards,

Cllr Bob Troup  
Blagreaves Ward

# Enclosure

David L Turner, MA (Cantab) MIMechE.

CITY OF DERBY DEVELOPMENT & COUNTRIAL SERVICES DEPT.	
FILE REF	708/1081
DATE REC	12 SEP 2008
REF	7.9.08 EJ ACC/5/9/08 SCC
REPLIED	

21A Heath Avenue,  
Littleover,  
Derby, DE23 6DJ.  
01332 344042

Planning Dept,  
Derby City Council.

Manor Hospital / Kingsway Site

Dear sirs,

I wrote commenting on the SPD for this site on 17.6.07. Among other matters I stressed the need for a cycle/pedestrian connection from Micklegate over the A38 using the A516 slip road bridge. This is required so that Micklegate residents can use the new public open space and because it can form part of an almost completely traffic free route into the city centre.

Your "Statement of Public Responses to the SPD" refers to the link as follows:-

Comment: Connect the development to Micklegate with cycle, pedestrian or bus links.

Response: No change to the SPD needed. The SPD indicates the need to look at a linkage to Micklegate across the A38. The exact nature of pedestrian and cycle infrastructure provided will be decided once the planning application is submitted.

The route is not shown or mentioned in the current planning application. It must not be forgotten.

I enclose a sketch of the bridge showing that the carriageway could be slewed south to give room for a path on the north side. It might even be acceptable to narrow each of the lanes by a metre to give this space without expensive road works. The slip road is not as busy as expected when planned because the A50 now takes much of the W-E traffic. It is worth remembering that The Highway Agency's terms of reference now include the need to give consideration to how trunk roads and local roads serve local needs.

For your convenience I also enclose a copy of the map of the area originally sent to you by the Derby Cycling Group at the time that the housing on the old University Micklegate site was being planned.

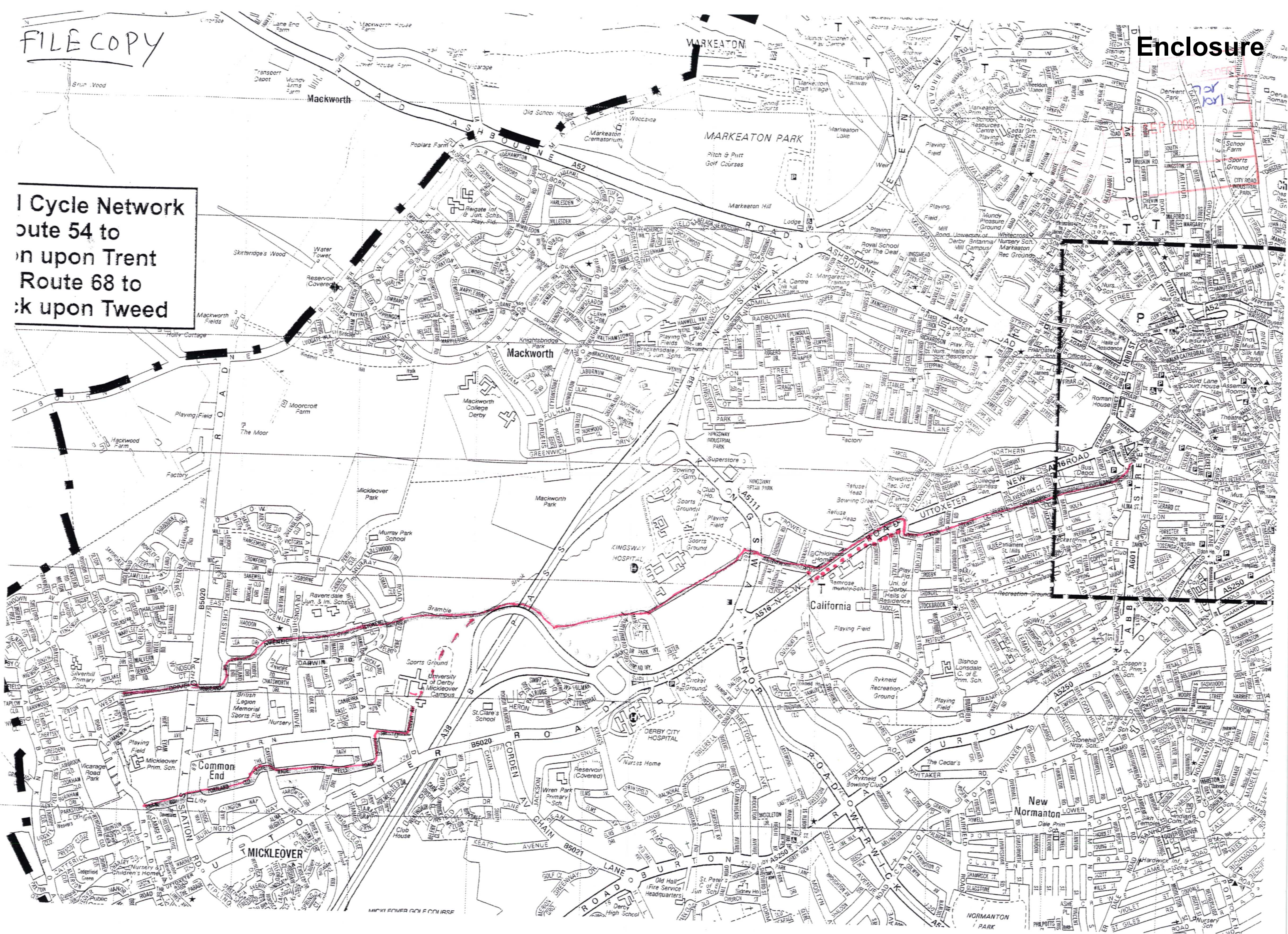
Yours truly,

David Turner.

Copy to DCG

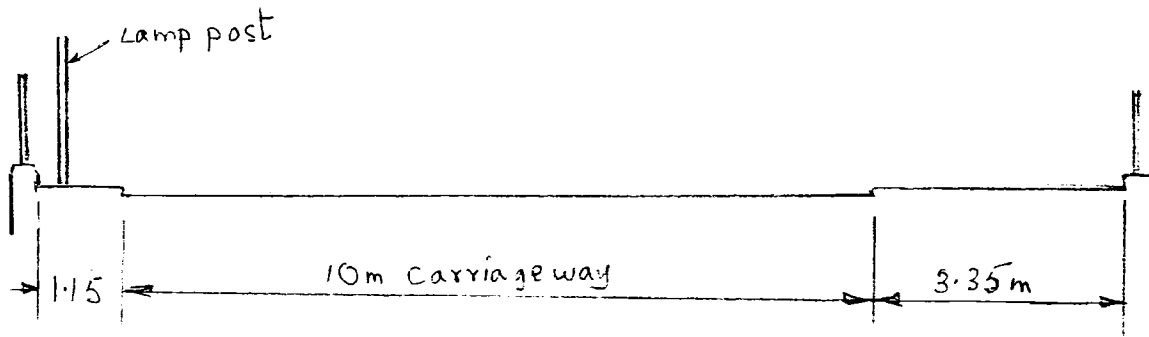


Cycle Network  
 Route 54 to  
 upon Trent  
 Route 68 to  
 upon Tweed





N



A 516 SLIP ROAD BRIDGE OVER A38

1/1m/

# Enclosure

32 Albany Road  
Kingsway  
DERBY  
DE22 3LW

8 October 2008

Ms S Coupe  
Regeneration and Community Department  
Derby City Council  
Roman House  
Friar Gate  
DERBY DE1 1XB

Dear Ms Coupe

TOWN AND COUNTRY PLANNING ACT 1990

Code No: DER/07/08/01081/PRI

Location: Site of and land at Kingsway Hospital, Kingsway, Derby

Proposal: RESIDENTIAL DEVELOPMENT (700 DWELLINGS), ERECTION OF  
OFFICE (USE CLASS B1), RETAIL UNITS (USE CLASSES A1, A2 AND  
A3), BUSINESS UNITS AND ASSOCIATED INFRASTRUCTURE  
(ROADS, FOOTPATHS, OPEN SPACE AND ALLOTMENTS) AND  
INSTALLATION OF WOOD FUEL (BIOMASS) CHP ENERGY FACILITY

We wish to make the following comments having studied the Outline Planning Document concerning the development of the Manor/Kingsway hospital site.

1. The plans need a park and ride road system that utilises the old Great Northern Railway track route to access the Inner Ring Road system. The present Uttoxeter New Road bus lane is an absolute disaster, it starts nowhere and ends nowhere. The only way the Uttoxeter New Road bus lane would operate effectively is if the whole of Uttoxeter New Road was made a dual carriageway to link up with the proposed new Inner Ring Road system. Any Park and Ride system therefore needs to be positioned adjacent to the proposed interchange of the A38 with the outer Ring Road, not as indicated on the current plan.
2. The proposed business park is very poorly positioned. People do not want to see industrial units from the Kingsway ring road. The business park should be positioned adjacent to the A38 away from general view. Access could be provided to this industrial area from the A38. The proposed industrial unit area therefore needs to be exchanged with the public open space.
3. The bus, ambulance only link looks as though it will utilise Albany Road as the feeder route. This would be totally unacceptable to the residents of Albany Road. The residents of Albany Road fought long and hard to have this 'rat run' stopped some years ago and therefore do not want the present situation of no through traffic reversed.

# Enclosure

4. There are no facilities in the proposed planning document which would cater for public amenity use, i.e. conferencing facilities, function room hire etc. There is a general lack of this type of facility in the city which could be addressed with this development.
5. The proposed new interchange with the A38 and the Kingsway roundabout island has not been taken into account in this proposal. The new interchange would provide an ideal access point to the development, especially for access to the industrial area. It would also provide an ideal link to a bus lane using the old railway track into Friar Gate area.
6. There appears to be no consideration given to any widening of the Kingsway Ring Road to that of a dual carriageway. The present Ring Road cannot support the current levels of traffic using this section of the Ring Road. One only has to look at the long queues of traffic at peak periods every working day to realise the present intolerable situation. There needs to be a total reappraisal of access to the proposed development e.g. feed traffic from the A38 or via the proposed A38/Kingsway interchange.

We trust you will take the above comments into consideration and produce a plan which reflects the needs of the community and not those of ill-conceived schemes.

Yours faithfully

John L Cole  
M.Sc., B.Sc., C.Eng., F.I.E.T.

Enid M Cole

Derby

BY EMAIL

**Enclosure**

AJP/LT/ 9446

09 September 2008

Ms S Coupe  
Senior Planning Officer  
Derby City Council  
Regeneration & Community Department  
Roman House  
Friar Gate  
Derby  
DE1 1XB

Dear Ms S Coupe,

**Residential development (700 dwellings), erection of offices (use class B1), retail units (use classes A1, A2 and A3), business units and associated infrastructure (roads, footpaths, open space and allotments) and installation of wood fuel (biomass) CHP energy facility at site of and land at Kingsway Hospital, Kingsway, Derby - DER/07/08/01081.**

DPDS Consulting Group are instructed by Derbyshire Fire & Rescue Service to submit comments with regard to the above planning application.

Firstly, in the 'General Comments' section of the Consultation statement submitted with the application (prepared by Taylor Young) they note DFRS's interest in purchase of additional land, but incorrectly state that DFRS are 'pleased' that there is no residential development proposed adjacent the site, when in fact DFRS stated that they would not be pleased if any development be it residential, commercial or industrial was proposed adjacent the site due to the potential nuisance their training operations can cause.

Cont/d...  
Page 2  
09 September 2008

Ms S Coupe  
Derby City Council

Any close proximity development to the DFRS site be it housing or office/commercial use, is of grave concern in terms of the use of the Live Fire

Training Unit which when in operation generates a significant amount of smoke etc and would be a nuisance to both types of development, which could potentially expose DFRS to potential injunctions restricting use of the facility.

## Enclosure

The existing Fire and Rescue Service site at Kingsway is an essential asset to the service as it provides the only 'Hot' Fire training facility in the county. The service cannot risk the chance of losing the facility due to the proposed new development around the present site, in the interests of both the essential functioning of the service and literally the welfare of all of Derby and Derbyshire's residents.

The application proposals will result in the location of residential development and Business Park immediately adjoining the existing fire station. The impact of any smoke/noise from the existing fire station operations onto these two proposed immediately adjacent uses may create objections on the basis of residential and office amenity and would have a significant negative impact upon the essential fire and rescue service operations where they wish to be perceived as good neighbours. The Fire Service are therefore prepared to purchase additional land and effectively provide there own buffer uses such that the whole site can be used more efficiently and the fire service will then metaphorically "**consume their own smoke**".

Acquisition of this land would provide DFRS with a development opportunity and enable the realisation of its long term vision to develop the Kingsway site into a fully integrated Service training facility serving the whole county. However this aim could be compromised by a development close to the existing site boundaries. The priority for acquisition of this land is to provide a shelter belt to the existing site to prevent development, with the opportunity for future DFRS development being a secondary benefit.

Cont/d...  
Page 3  
09 September 2008

Ms S Coupe  
Derby City Council

DPDS Consulting Group previously submitted comments with regard to the Development of the Manor/Kingsway Hospital Site SPD on behalf of Derbyshire Fire & Rescue Service. These comments highlighted the concerns DFRS had over proposed development immediately adjoining the existing fire station. The comments also stated Derbyshire Fire & Rescue Service's desire to enter into negotiations to acquire some 1.2 ha (3 acres) of land behind the existing Fire Station site. A copy of these comments is attached to this letter.

If I can be of any further assistance at any time please do not hesitate to contact me.

Yours sincerely,

# Enclosure

**Alf Plumb**  
**Director - DPDS Central Region**

cc Rob Wood - Derbyshire Fire and Rescue

## Supplementary Planning Document

## Development of the Manor/ Kingsway Hospital Site

### Comments by Derbyshire Fire & Rescue Service

#### **1.0 INTRODUCTION & SUMMARY**

1.1 DPDS Consulting Group are instructed by Derbyshire Fire & Rescue Service to submit comments with regard to the above SPD.

1.2 Firstly there is a minor typing error on the contents page in relation to page numbering. Section 6.0 (Design and Layout Guidelines) should be listed as page number 26 not page 62.

1.3 The existing Kingsway Fire Station that immediately borders the site to the east is very surprisingly not mentioned within the SPD text regarding the surroundings of the site. However the fire station, and the particular uses on its site clearly exist and therefore the proposals need to take into account this context. In view of the particular nature of the existing operations at the Kingsway Fire Station site, Derbyshire Fire & Rescue Service wish to enter into negotiations to acquire some 1.2 ha (3 acres) of land behind the existing Fire Station site to both provide a “cordon sanitaire” for the existing bad neighbour uses on the existing site and to facilitate essential rationalization of Fire and Rescue Service facilities in accordance with their development proposals.

1.4 This essential development for the Fire and Rescue Service is required to both consolidate the existing activities on the existing Fire Station site and also to reduce overcrowding at the Headquarters of the Fire and Rescue Service in Littleover. The proposed new build and expansion of this site is indicated in a preliminary sketch on drawing No. 06071/02 enclosed.

## 2.0 DETAILED COMMENTS

2.1 The existing Fire and Rescue Service site at Kingsway is an essential asset to the service as it provides the only 'Hot' Fire training facility in the county. The service cannot risk the chance of losing the facility due to the proposed new development around the present site, in the interests of both the essential functioning of the service and literally the welfare of all of Derby and Derbyshire's residents.

2.2 A "hot fire training facility" is a purpose-built structure in which it is possible to provide realistic fire development simulations and hot fire scenarios where fire and rescue service personnel will experience, as closely as possible, the conditions that they will encounter in their day to day operational activities. Realistic conditions are achieved by the burning of wood and paper in the building under strictly controlled and, therefore "safe" conditions.

2.3 The heat and smoke chambers currently used by Derbyshire Fire and Rescue Service (DFRS) utilize gas burners and artificial smoke. They are used for search and rescue technique training but cannot provide realistic hot fire conditions.

2.4 The Supplementary Planning Document states in paragraph 6.2.2 that 'The land use master plan illustrates the location of the business park on the south-eastern side of the site adjacent to the Kingways Fire station. The location of the major employment component of the development on this part of the site will provide a high quality commercial frontage for the business park whilst provisioning a degree of separation between the fire station and residential properties.'



2.5 However, the current SPD proposals will result in the location of proposed residential development and proposed high quality commercial development immediately adjoining the existing fire station contrary to the aforementioned SPD statement. The impact of any smoke/noise from the existing fire station operations onto these two proposed immediately adjacent uses may create objections on the basis of residential and office amenity and would have a significant negative impact upon the essential fire and rescue service operations where they wish to be perceived as good neighbours.

2.6 Conversely if there is a significant landscape buffer required and located within the proposed development to safeguard and take into account the existing fire service activity; the fire service appreciate that this may well not lead to the most efficient use of land. The Fire Service are therefore prepared to purchase additional land and effectively provide their own buffer uses such that the whole site can be used more efficiently and the fire service will then metaphorically **“consume their own smoke”**.

2.7 It is considered that any employment land use would be better suited surrounding the existing fire station site as the effects of the development will be less significant in relation to an employment zone and would hopefully result in any unrealistic restrictions on the use of the station and its facilities that may hinder the provision of the Fire and Rescue Service and its essential training activities in this area.

2.8 DPDS and their clients the Fire & Rescue Service are in full support of the aim of the SPD to help guide the mixed use regeneration of the Manor/ Kingsway Hospital site. Equally the Fire & Rescue Service is willing and able to purchase an additional 1.2 ha (3 acres) of the site to assist in pump priming the regeneration of the former Manor Kingsway Hospital site.

2.9 However, the concerns outlined above are particularly significant to the essential operation of the Fire & Rescue Service; are particularly significant to this SPD and of particular relevance to ensure the most appropriate land use master plan for the area. DPDS and their clients the Derbyshire Fire & Rescue Service would welcome further discussions to endeavour to ensure that the final SPD satisfactorily accommodates DFRS requirements by negotiation to protect its existing essential Kingsway Fire Station activities that include **the only Hot Fire training facility in the county.**

Alf Plumb Dip TP, MRTPI, FFB, MCIM  
Director: DPDS Central Region  
100 Mansfield Road  
Derby  
DE1 3TT  
T: 01332 206222  
F: 01332 206012  
E: aplumb@dpds.co.uk

## **Committee Report Item No: 7**

**Application No:** DER/09/10/01187

**Type:** Outline. Approval is sought for Access and layout.

1. **Address:** Land at side and rear of 21 to 25 Weston Park Avenue.
2. **Proposal:** Residential development (5 dwelling houses) and formation of vehicular access.

3. **Description:**

Planning permission is sought for the erection of 5 dwellings on land to the rear of 3 neighbouring dwellings on Weston Park Avenue, at Shelton Lock.

Weston Park Avenue lies in a west to east orientation and links with Chellaston Road at its eastern end. It is a primarily residential area with the majority of houses on the highway frontages appearing to date from the 1930s. Over the years a number of infill and backland developments have been built off short cul de sacs including Lorraine Close, Calverton Close, Denarth Avenue and most recently Brightside Close, with a development of 13 dwellings, which was approved in January 2008 and which appears to have been recently completed.

The application site lies on the south side of Weston Park Avenue approximately 100 metres to the west of its junction with Chellaston Road. It is surrounded by housing development on all sides.

Many of the houses on this side of Weston Park Avenue have long rear gardens and the three houses that are host to this application have rear gardens of about 68 to 70 metres long and the houses either side have similarly long gardens.

To the rear of the site is a housing development which appears to date from the 1960s or 1970s with dwellings on Stonebroom Walk. This development is accessed off Sinfin Avenue to the south. The nearest house on Stonebroom walk to the development is no 31 which presents its side elevation to the site at a distance of about 4 metres from the application site boundary.

The site comprises of the long rear garden of the 3 dwellings and it is clear that certain of the gardens have been less well tended than others. A number of trees appear to have been recently felled including a large apple and pear tree and at least 2 silver birch trees, as well as other smaller trees that it has been unable to identify. A number of substantial conifer trees still occupy parts of the site. These are not shown on the application drawings and the application form incorrectly states that there are no trees or hedges on the application site. A large conifer tree stands in the garden of the adjoining property at 19 Weston Park Avenue, within one metre of the joint boundary.

The application is in outline with access and layout applied for. The ground floor plans of notional house types have been submitted but the house designs are not submitted for approval and the internal arrangements could change.

The proposal is to construct a new cul-de-sac with its access onto Weston Park Avenue lying between 21 and 23 Weston Park Avenue, where a wider than average gap of almost 9 metres lies between the houses. The access road would be occupy a channel 5 metres wide and extend just over 60 metres to a "T" shaped turning head. Amended drawings show a housing layout for 5 dwellings with three ranged along the rear of the site with what appear to be their principle elevations facing north and south, and with two further dwellings side by side, on the opposite side of one of the

## **Committee Report Item No: 7**

**Application No:** DER/09/10/01187

**Type:** Outline. Approval is sought for Access and layout.

turning head legs, one of these appears to have its principle elevation facing north and south whilst the other appears to be a controlled aspect dwelling. The houses are intended to be 3 bedroomed detached dwellings and of two stories in height.

The cul –de –sac would have a 5 metres width without footways and it would be used as a shared surface. It is not the applicant's intention to seek the adoption of this road.

Parking spaces for twelve cars are to be provided; only 5 of these are intended to be within the curtilage of the dwelling they are intended to serve. The other 7 are intended to be provided in a row of 7 including two visitor spaces on the eastern side of the site.

### **4. Relevant Planning History:**

None for this site.

### **5. Implications of Proposal:**

#### **5.1. Design and Community Safety:**

The application is in outline with no details of house types other than the notional footprint of two different house types. As such no detailed comments can be made with regard to design. However the design and access statement does state that the proposed dwellings would be 2 storey to match the majority of dwellings in the surrounding area and are also intended to be 3 bedroomed family type dwellings. Dwellings of this type would be appropriate in this locality.

In community safety terms I raise no objection to this proposal which is described as fully enclosed and showing clear demarcation of space. At the detailed stage the applicant is advised to consider the new home specifications of the Secure by Design Scheme as best practice

#### **5.2. Highways – Development Control:**

The application site is situated within a residential area where properties benefit from vehicle accesses and off street parking facilities. The site is within walking distance of bus routes and is close to local amenities.

The applicant has proposed to create a vehicle access between No. 21 and 23 Weston Park Road which will serve 5 no. dwellings. The layout indicates return radii at the access; however this will be required to be amended to a dropped and tapered kerb giving pedestrian priority with a clear demarcation of the highway boundary to the rear of the footway. The proposed 5 metre access is acceptable for up to 5 no. dwellings only.

The tracking that has been provided appears too constrained, the turning and trafficked area requires enlarging to facilitate the manoeuvring of the service refuse vehicle without overhanging. This should be submitted on an amended layout detailing manoeuvring with parked vehicles on the proposed access road as the applicant has not proposed a bin store within the recommended man carry distance of the highway.

## **Committee Report Item No: 7**

**Application No:** DER/09/10/01187

**Type:** Outline. Approval is sought for Access and layout.

The proposed pedestrian visibility splays appear to be within both of the existing properties curtilage and the pedestrian visibility splay which is within the driveway of no.23 is not within the redline application area. However it is blue lined and is therefore within the control of the applicant to provide the proposed visibility splays which are both acceptable.

The proposed off street parking spaces for each dwelling is 200% with an additional 2 visitor parking spaces. Although this provision is high, it is considered acceptable within this location.

It has come to my attention that concerns have been raised regarding safety of an access within this location and after checking the accident reports I can confirm that no injury accidents have been recorded to the police at this location.

### **Recommendation:**

Until the applicant has submitted a layout detailing a workable turning area for the Service refuse vehicle, I am unable to give a full highway response. As the layout currently stands I would have to recommend refusal.

### **5.3. Other Environmental:**

The proposal would result in the loss of some conifer trees within the site and would place development in the root protection area of a pine tree growing on a neighbouring garden. In the absence of any tree survey or working method statement the proposal does not receive the support of the Arboricultural Officer

## **6. Publicity:**

Neighbour Notification Letter	32	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:**

11 letters of objection and 3 letters of support had been received at the time of writing.

In summary the representations are as follows:

Objections:-

- The applicants are not local residents, contrary to the statement in the submitted Design and Access Statement.
- Insufficient parking provision for the development will result in overspill parking onto Weston Park Road which will reduce visibility and be detrimental to road safety.

## **Committee Report Item No: 7**

**Application No:** DER/09/10/01187

**Type:** Outline. Approval is sought for Access and layout.

- There have never been any discussions involving local residents.
- Loss of privacy to neighbouring properties.
- Loss of light to neighbouring properties.
- Increase problems associated in traffic and noise. Weston Park Avenue is already used by large numbers of vehicles including school run traffic, delivery lorries and busses.
- The users of the small shopping parade at the junction of Weston Park Avenue and Chellaston Road already park in Weston Park Avenue making it difficult to turn out.
- The proposal is back and front garden grabbing.
- It would result in a change of character of Weston Park Avenue.
- Extra traffic congestion on Weston Park Avenue.
- Neighbouring properties will be overlooked by parts of the development.
- The scheme is promoted by a developer.
- The scheme is unneeded as there are unsold properties in the near vicinity from earlier developments.
- Refuse lorries may have difficulty in turning into and out of the site.
- The proposed development is prompted by money.
- The proposals are very close to existing dwellings.
- The character and amenity of neighbouring properties will be adversely affected.
- The road is not wide enough for emergency services if anyone should be thoughtless enough to park on it.
- The proposal for the access to be a shared surface between motor vehicles and pedestrians should be a negative point for any application.
- There is no support for the application in the locality.
- The Avenue has suffered erosion of amenity in the past and the proposal is seen as being a continuation of an attack on the amenity of the area.
- Noise dust and traffic during the course of construction would be a problem.
- The proposals would overlook neighbouring properties.
- The proposal would devalue neighbouring properties. (This is not a valid planning objection).
- The site is very small for the 5 houses that are proposed.
- Fertile land would be lost to horticulture.

Three letters of support for the proposal have been received from part owners of the host properties whose land forms part of this application.

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- The comments suggest that the existing gardens are out of proportion with the size of the existing houses and that those to be developed are either grassed or not fully maintained and much of the land is not actively used.
- The land is currently being wasted and would be better utilised for housing rather than becoming an eyesore.
- There should be no additional vehicular congestion on Weston Park Avenue in view of the number of car parking spaces proposed.
- The proposal will fill a housing need in the area.
- Additional family accommodation will help to secure local services and businesses.
- There is a precedent for this kind of development nearby at Brightwater Close.

*Copies of all the representations are available to view on the Council's eplanning service:- [www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*

## **8. Consultations:**

### **8.1. Environmental Services-Trees:**

Without a tree survey I am unable to provide an accurate assessment of the tree issues on this site.

My comments are that there are a group of evergreen conifers & spruce trees located centrally within this site. From a limited site inspection I can see no arboricultural justification for the removal of these trees; however they would be unlikely to attract a high retention category in the event of a BS5837 tree survey. The loss of these trees could be mitigated by suitable replacement planting.

There is a significantly sized Pine tree in the rear garden of no.19 Weston Park Avenue. The parking area of plots 5A/5B will be well within the Root Protection Area of this tree. As such the proposed lay-out will be of detriment to this tree which is highlighted for retention. (In adjacent garden).

Consideration could be given to a non-dig surface for the parking bays 5A & 5B, of which a method statement would be required of which I don't think should be left to condition.

A tree survey and tree protection plan would ordinarily be required to accurately assess the impact of trees affected by this development and provide acceptable tree protection measures.

I would therefore be unable to support this application in its current form.

### **8.2. Police Liaison Officer:**

The development is fully enclosed and shows clear demarcation of space. I am content with this application but advise the applicant to consider the new home specifications of the secure by design scheme as best practice [www.securedbydesign.com](http://www.securedbydesign.com)

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

GD2	Protection of the Environment
GD4	Design and the Urban Environment
GD5	Amenity
GD7	Comprehensive development
H13	Residential Development – General Criteria
E9	Trees
E10	Renewable Energy
E23	Design
T4	Access 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 on the gardens of dwelling houses and would, until quite recently have been categorised as brown field land on which there was a government presumption that such land was preferred for development over land categorized as Greenfield land. As members of committee will be aware the new, coalition government has re-categorized domestic gardens as Greenfield land and as such there is no longer presumption in preference of domestic gardens for development.

Nevertheless this does not mean proposals within domestic curtilages, including for additional dwelling houses, should never be approved. The changes to PPS3 do not introduce a blanket ban on them. It is a case of a change of emphasis. Policies contained within the adopted City of Derby Local Plan Review do not preclude development on residential gardens but do require the following:

- “ a) A satisfactory form of development and relationship to nearby properties can be created, including there being no adverse effects caused by ‘backland’ or ‘tandem’ proposals;
- b) A minimum average density of 35 dwellings per hectare on all developments, unless there are clear environmental reasons for a lower density. The Council will seek higher densities on sites which are closely related to the City Centre, the railway station and to public transport interchanges;
- c) Urban forms, building designs and layouts to facilitate higher densities and energy efficiency;
- d) A high quality living environment and a layout of buildings and open spaces that creates an interesting townscape and urban form;
- e) Good standards of privacy and security.



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In determining planning applications for residential development on windfall sites, priority will be given to suitable previously developed sites within the urban area. Planning permission will not be given for development that would prominently intrude into the countryside. “

The latter statement has now effectively been over ridden by recent government advice which must be taken as a material consideration.

In my view the proposal constitutes an unacceptable type of backland development which is out of character with the existing pattern of development in the area which is characterized by highway frontage development, mainly of detached and semi-detached two storey dwellings, with modest front gardens but with long rear gardens. The proposal would see the loss of this pattern of development and see the long rear gardens of three dwellings significantly reduced the in attempting to accommodate two further rows of dwelling with gardens, in the length of gardens currently only occupied by a single row of dwellings. These would continue to be surrounded on two sides by the long gardens of the neighbouring dwellings. This would in my view create a small isolated enclave of quite intensive development in an area that is at present quite sparsely developed and as such would be out of character with the pattern and grain of the existing development. I accept that in the past, backland forms of development have been granted planning permission off Weston Park Avenue but these have tended to be more comprehensive in their use of land and usually on larger plots where greater efficiencies of land usage have been possible.

In addition to being out of character with the existing pattern of development, I have concerns that the proposal would set a precedent for similar isolated backland proposals on other long rear gardens on both sides of Weston Park Avenue which would perhaps be achieved by removing a frontage dwelling to develop one or two adjoining gardens in a similar sporadic fashion to the development currently proposed. I would consider such a form of development to be a detrimental and inefficient way of redeveloping the area.

I would not preclude a more comprehensive approach to the development of the rear gardens in this locality which would be able to incorporate greater efficiency in the use of land, perhaps by incorporating a substantially larger number of existing rear gardens into a scheme, but I do consider that the proposal as submitted would be inefficient in the use of land and would result in a fragmented type of development.

I accept that the proposed road layout would not prevent the extension of access roads off the turning head, to the west and east of the application site, to create a more comprehensive type of development but at present the immediately neighbouring properties do not form part of the scheme and any reluctance of adjoining owners to participate in the development could permanently inhibit the more comprehensive type of development that I consider would be appropriate in this location. Also with the 5 metre wide access road width that is proposed only 5 dwellings would be allowed. For any further dwellings to be added to this scheme a wider access road would be required which would have to include footways and this would most probably require demolition of one of the existing dwellings. I consider therefore that as proposed the application would not permit or facilitate a more comprehensive form of development of the wider area.

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### **Parking matters.**

Although a number of neighbours have raised concerns over the amount of traffic that would be generated and how this may affect highway safety, traffic congestion and parking congestion in the Weston Park Avenue, our Highways Division have raised no objections to this proposal on these grounds. The level of parking provision proposed is in fact slightly higher than is recommended in CDLPR policies and as such the development would be less likely to result in parking on Weston Park Avenue than were the proposal to meet with the guidelines in those policies. The numbers of cars likely be using the site are not considered to result in any significant detriment to highway safety nor highway congestion.

Twelve parking spaces are proposed which includes two for each dwelling and 2 for visitors. Of these only two are located on a housing plot, on plot 5. The others are located in two parking bays, one for three cars on the western side of the site alongside the boundary with 27 Weston Park Avenue serving plots 1 and 3, and 7 on the eastern side of the site, alongside the boundary with 19 Weston Park Avenue. This is contrary to the existing pattern of development where most dwellings have parking spaces within their individual curtilages. I appreciate that alternatives to curtilage parking can sometimes be used effectively to overcome forms of development where cars dictate the overall form of the development however I consider that the parking layout proposed would result in a development where cars would dominate the visual appearance of the streetscene of the cul-de-sac.

As well as dominating the streetscene the mass parking of cars would be detrimental to the visual amenity of neighbouring occupiers and would also give rise to a concentration of vehicle noise and pollution close to rear garden, boundaries.

### **The access road.**

The proposed access road, although utilising a wider than normal gap between neighbouring properties would lie a minimum of 0.8 metre from the side wall of 21 Weston Park Avenue and 2.6 metres from the side wall of 23 Weston Park Avenue.

I have concerns over the impact that the road and the traffic would have on the amenity of these dwellings particularly to number 21 where it is so close and where no boundary treatment, wall or fence would lie between the side elevation of the house and the road. Although there are no principle windows in the side elevation of 21 facing the access road only secondary windows, I feel that noise and disturbance could be detrimental to the living conditions and amenity of residents.

Both premises are in the ownership of parties to the application. As such it could be concluded that the occupiers are willing participants to the reduction in residential amenity that would result from motor vehicles passing in such close proximity. I still believe however that it is unacceptable to reduce the residential amenity of residents in this way.

The road geometry as submitted does not meet with Highways requirements and as submitted would not meet the turning requirements of the Council's refuse collection vehicles. Although it may be possible to amend the geometry of the access road and turning head to meet with those requirements, at the time of writing it is substandard and has received objections from the Highways Authority.

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At the point of connection with Weston Park Avenue the proposal does incorporate adequate pedestrian visibility splays albeit one is outside of the application site, it does lie on land which is in the control of one of the participants to the scheme so should be required by condition.

The proposals also include the provision of 2 parking spaces in the front garden of 21 Weston Park Avenue. There is already a precedent set for this type of front garden parking on Weston Park Avenue, and if the car standings to be created at this existing residential property were to be constructed so that they are pervious to rainwater, then planning permission would not be required for these spaces.

### **The housing layout.**

The application is in outline so although approval is sought for access and layout, there are no full details of the house types. The design and access statement however suggests that the houses will be two stories in height to match the scale of the majority of existing neighbouring properties.

I do have some concerns over the layout of the proposal. The gardens are on the small side and appear to be somewhat cramped with rear garden depths, ranging from a maximum of 10 metres to a minimum of 6 metres. The applicant's agent has pointed out that the Council has no standard or guideline for the size of rear gardens; nevertheless I believe that the layout looks cramped and overdeveloped for the size of the site. The space between buildings guidelines is however adhered to between the proposal and dwellings outside of the application site, in this layout.

Inevitably with a development of this nature, the proximity of proposed dwellings to the side boundaries of the site, particularly on plots 1 and plot 3 would result in a massing and overbearance impact on the gardens of the immediately neighbouring properties. The true extent of this can only be guessed at as there are no full details of house types, nevertheless I don't believe that massing and overbearance would be unacceptable in this case and would be similar to many other developments of this type. Also there is bound to be some loss of privacy experienced by neighbouring properties as views will be possible into neighbouring properties and their gardens; however I am confident that house types could be designed to limit unacceptable levels of overlooking and loss of privacy between existing and proposed dwellings.

I am less confident about the relationship between the dwellings within the proposal on Plots 1 and 3 however where the distance between the front elevation of the two dwellings (and presumably the habitable room windows) is only just over 11 metres. The Council guide lines would suggest a separation distance of at least 20 metres would be necessary. I consider this to be far below an acceptable distance between the habitable rooms windows and would result in substandard levels of privacy between these two proposed dwellings.

### **Tree issues.**

A number of trees remain on the application site although the application form states that there are none. The trees on the site are mainly evergreen conifer and fir. They provide some amenity within the private rear gardens of the houses and to a far lesser extent from public areas. None of these trees are considered to be worthy of the protection of a tree preservation order. Their loss would be regrettable but I would not object to their removal provided that some replacement planting were to be

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undertaken as part of any redevelopment. There is however a more substantial pine tree growing in the rear garden of the neighbouring property at 19 Weston Park Avenue, towards the rear of the property and within about 1 metre of the site boundary. The presence of this tree was also not divulged on the application form. Although this tree is not protected by tree preservation order and unlikely to be so as it is off the application site, it is considered to be possible that the proposal would have a detrimental impact on this tree. Lack of any tree survey and tree protection plan with the application, which are normally be required to allow accurate assessment of the impact on trees affected by a development and to provide acceptable tree protection measures, does mean that the proposal is objected to by the Council's Arboricultural officer.

### **Conclusion.**

In conclusion, although I consider that there is potential to develop the long rear gardens area of properties on Weston Park Avenue for residential purposes, the current proposal is not acceptable and would in my view be an unacceptable form of backland development, which would preclude a more acceptable comprehensive development of the land and which would set an undesirable precedent for similar sporadic backland development at other properties on Weston Park Avenue. Furthermore I consider that the density of the proposal is over intensive for the size and shape of the site which would result in a cramped layout. This in turn would result in inadequate levels of privacy between certain of the dwellings within the site. In addition the site layout particularly with regard to parking provision would result in development that would be dominated by car parking which would be detrimental to the visual appearance of the streetscene and the views from neighbouring gardens. The positioning of the car parking area would be likely to result in loss of residential amenity to neighbouring residents through noise, disturbance and air pollution. The close positioning of the road with respect to the dwelling at 21 is likely to result in detriment to the living conditions of the occupiers of that property through noise, disturbance and air pollution. The geometry of the access road is incapable of satisfactorily accommodating large vehicles and the proposal could potentially be detrimental to the health of a significant tree standing on a neighbouring property. For these reasons I consider that proposal to be unacceptable and recommend refusal of this application

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

### **11.1. To refuse planning permission**

### **11.2. Reasons:**

1. The proposal by reason of its backland location, its layout and density, would result in an unacceptable form of development which would be out of character with and detrimental to the character and appearance the wider area. A development of this type would preclude a more acceptable comprehensive form of development for the wider area and would set an undesirable precedent for other backland development in the locality. As such the proposal is contrary to policy GD5, GD7 and H13 of the adopted City of Derby Local Plan Review.

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2. The proposal, by reason of the use of massed parking provision, would result in a development visually dominated by motor cars to the detriment of the streetscene of the development itself and to the detriment of the visual amenity and the residential amenity of neighbouring residents, who would be also be affected by the noise, disturbance and air pollution that the cars would create. As such the proposal is contrary to policies GD4, GD5, H13 and E23 of the adopted City of Derby Local Plan Review.
3. The proposal, by reason of the position and design of the vehicular access, would be incapable of safely accommodating the turning of large vehicles within the site. As such the proposal is contrary to policy T4 of the adopted City of Derby Local Plan Review.
4. The proposal, by reason of the close proximity of the vehicular access to the dwellings at 21 and 23 Weston Park Avenue, would be detrimental to the residential amenity of those properties through noise and disturbance and air pollution. As such the proposal is contrary to policy GD5 and H13 of the adopted City of Derby Local Plan Review.
5. The proposed development by reason of its density and layout would be result in poor levels of privacy between dwellings within the site and result in unacceptable overlooking of those adjoining the site. As a consequence it would result in poor living conditions for existing and future residents. As such the proposal is contrary to policy GD5 and H13 of the adopted City of Derby Local Plan Review.
6. The proposal by reason of the proximity of the development to trees both within and outside of the application site could be detrimental too and affect the health of those trees. The inadequate submission of information with regard to the trees, with the application, means that there is insufficient information to assess the impact of the proposal on trees. As such the proposal is contrary to policy E9 of the adopted City of Derby Local Plan Review.

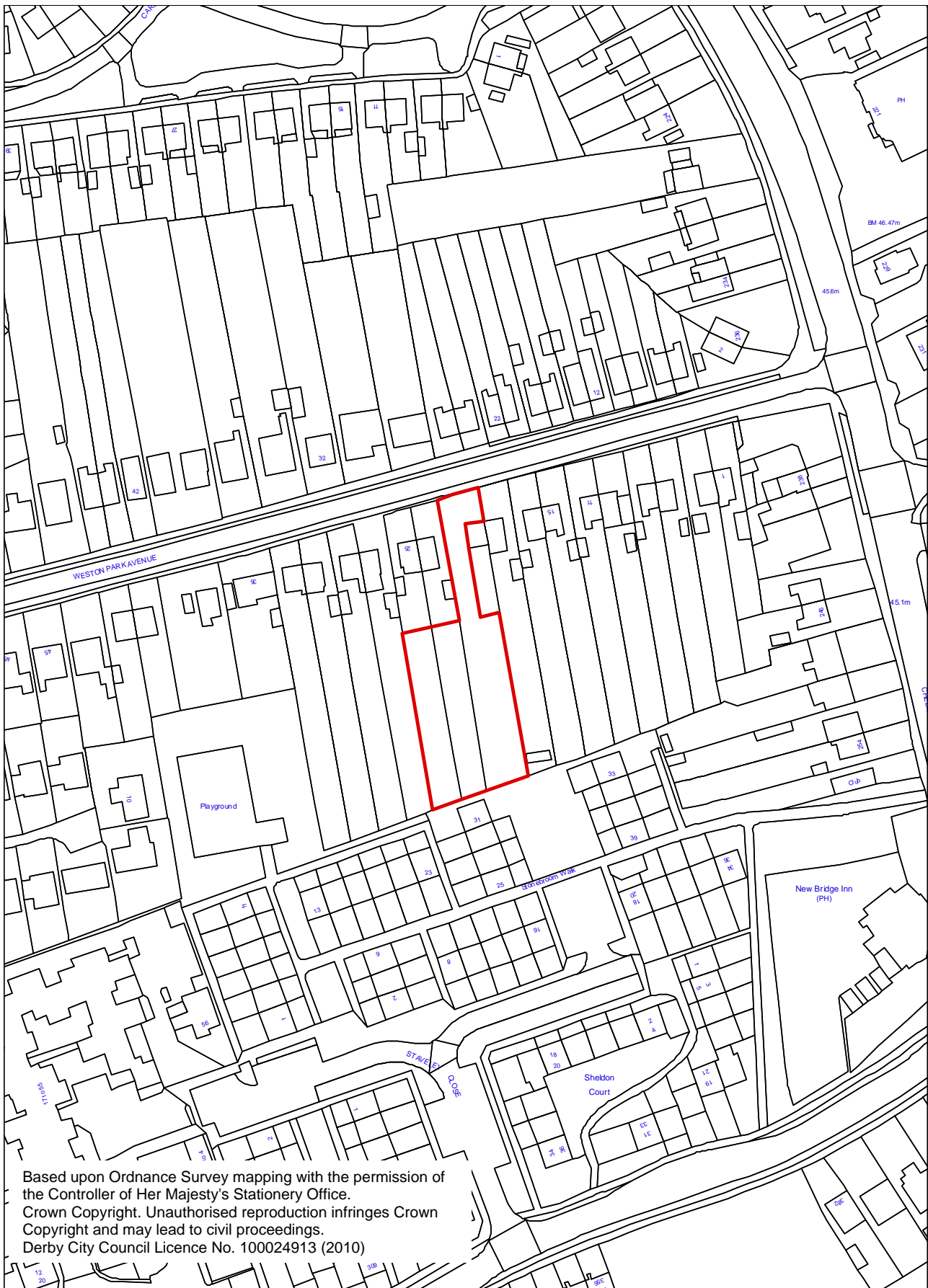
### **11.3. Application timescale:**

The determination date of the application was 25 November 2010. This date has been exceeded as a consequence of a late submission by the applicant of amended plans and by a request that the item be submitted to planning control committee, instead of being determined under delegated powers.

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## **Committee Report Item No: 8**

**Application No:** DER/10/10/01330

**Type:** Full

1. **Address:** Unit 9 and land adjacent, Victory Court Development, Victory Road

2. **Proposal:**

Extension to industrial unit and formation of car parking area

3. **Description:**

This full planning application seeks to gain permission for the erection of an extension to an existing industrial unit, known as Unit 9 Victory Court Development along with the formation of a car parking area. The application is accompanied by a Design and Access Statement, Flood Risk Assessment, Transport Assessment, Phase I and II Geo-environmental Assessment, Supplementary Phase II Environmental Assessment Report and the existing and proposed plans. The application would be subject to a Section 106 Agreement which will be discussed within Section 10 of this report.

The site has an approximate area of 2.03 hectares and is designated under the adopted City of Derby Local Plan Review (CDLPR) for industrial and employment purposes. Land levels within the site are consistent and appear relatively flat. The application site is rectangular in shape with the exception of a car parking area which protrudes in a north easterly direction. The site plan provides details blue land, which is also within the ownership of the applicant. The application site is bound to the north and east by existing units which form the Victory Court Development; to the west by a railway line and to the south by a vacant site. The units to the north and east vary in terms of scale and external appearance.

The existing industrial unit has a footprint of 4696 m<sup>2</sup> and the proposed extension will increase this footprint to 9961m<sup>2</sup>. The proposal seeks extend the existing two storey office accommodation by 1867 m<sup>2</sup>, increase the production area by 4243 m<sup>2</sup> and accommodate an additional 86 car parking spaces which will increase the on-site car parking provision to 148 car parking spaces which includes 6 disability spaces.

The completed development will have a double gable frontage which is broken in expanse by the office accommodation; the southwest rear elevation will be relatively blank in appearance with the exception of 4 no. pedestrian doors. The existing northwest side elevation is to be altered as part of this scheme; the existing 3 no. level entry doors and 2 no. dock levellers are to be removed and replaced with 2 no. level entry doors; the southeast side elevation will have 2 no. openings and 2 no. pedestrian doors.

The application site is located within an existing industrial and employment location approximately 4 kilometres from Derby City Centre, and is accessed off Victory Road. There are a number of residential properties located approximately 190 metres to the north east of the application site.

The proposed extension to the industrial unit will seek to expand the existing business which accommodates unit 9; in addition the existing business will be relocating into the City. The site will provide 216 job opportunities with approximately 50-60 of these for new employees.

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### **4. Relevant Planning History:**

**DER/08/09/00969**– Erection of industrial unit (Use class B1/B2 and B8) with associated service area and car parking. **Decision Pending**

**DER/02/08/00194**– Erection of Gatehouse. **Granted Planning Permission September 2009**

**DER/12/06/01801**– Erection of 11 Industrial Units (Class B1, B2 and B8). **Granted Planning Permission December 2007**

### **5. Implications of Proposal:**

#### **5.1. Economic:**

The proposal would deliver an industrial use on a previously developed site and will result in the creation of job opportunities for the City.

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

The design of the proposed extension is considered to be acceptable and will not be visible within the public domain of Victory Road.

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

Comments will be reported orally

#### **Highways – Land Drainage:**

The application form indicates that the discharge of surface water is to the main sewers but the Flood Risk Assessment (FRA) does discuss an attenuated controlled discharge which is a form of SuDS according to PPS25. Unfortunately the storm strategy drawing is not readable. There is a movement towards discharging surface water in a manner that recharges ground water and removes contaminants but in this case it appears to be that the contaminants from previous usages of the land will preclude this form of discharge.

Previous development appears to have been undertaken in the early 20<sup>th</sup> Century. The FRA does though use figures that would point to the over estimate of the actual discharge that would have catered for at the time of development for such an activity which would lead to an increase of flood risk to others. It is considered that a more accurate figure could be determined at a detailed stage. Therefore, I advise in respect of surface water discharge that the development is granted planning permission with conditions.

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

Disabled people's parking is satisfactory. The Buildings accessibility is fully controllable by compliance with Building Regulation guidance.

#### **5.5. Other Environmental:**

None

### **6. Publicity:**

Neighbour Notification Letter	5	Site Notice	
Statutory Press Advert and Site Notice	Yes	Discretionary Press Advert and Site Notice	



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

### **7. Representations:**

The application has not, at the time of drafting the report, attracted any representations from members of the public. If any letters of representation are received prior to the meeting these will be circulated to Members for consideration.

### **8. Consultations:**

**8.1. Environmental Services- Pollution:** It is noted that a site investigation and remediation strategy has been submitted in support of the application. The site has a history of significant contamination and therefore I would recommend that conditions are attached to any consent. No other comments are offered in relation to this application.

**8.2. Police Liaison Officer:**

To be updated at the meeting.

**8.3. Other:**

To be updated at the meeting.

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

GD4	Design and the Urban Environment
GD5	Amenity
EP11	Development in Existing Business and Industrial Areas
E10	Renewable Energy
E23	Design
T4	Access, 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 main issues at the centre of the assessment of this full planning application are considered to be the impacts of the extension on the immediate locality and the Heads of Terms of the Section 106 Agreement.

#### **Planning Policy**

The policies set out in Section 9 of this report are considered to be relevant during the determination of this planning application.

The application site is located within an existing employment and industrial area where the principle of this type of use has been established. The site of the proposal is designated in the CDLPR under Policy EP11 "Development in Existing Business and Industrial Areas" which allows for B1, B2 and B8 uses and as such there are no policy objections as the proposal conforms to the designated land use.

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### **Access and Car Parking**

The site is accessed by an existing estate road off Victory Road; which is monitored by a Security Gatehouse at the junction. The precise details of the car parking provision, manoeuvrability and servicing are being assessed by the Highway officer and will be reported at the meeting.

### **Design and Street Scene**

The proposed extension is considered to be of a substantial size but is not inappropriate given the industrial setting and in view of the proposal being set back from the public highway. As such I am of the opinion that the proposal has been designed to ensure functionality of the business which it will house.

I raise no objection to the proposed external appearance of the extension. The front elevation which is characterised by a double gable benefits from relief due to the office windows. The side elevations and rear elevation are not afforded such relief however the unit is fit for its purpose and will integrate with this locality. In addition the proposal is relatively screened from the public domain.

Overall the proposed extension is considered to accord with both policies GD4 and E23 of the Local Plan, which require all development proposals to show a high standard of design. A condition will be included in respect of controlling external materials of construction.

### **Impact on Residential Amenity**

The proposal has not attracted any objections from neighbouring residents nor have any objections been raised by the Council's Environment Health Officer in respect of increased noise levels and impact on residential amenity.

The closest residential property, no.100 Victory Road, is located approximately 190 metres from the proposal; when considering the side boundary of their curtilage and the north eastern corner of the extension. Given that the land between the two currently accommodates other industrial units of B1, B2 or B8 uses I am of the opinion that the proposed extension would not significantly impact upon the residential amenity of those dwellings on Victory Road.

### **Section 106 Agreement**

The application due to its scale, net increase of 6217 m<sup>2</sup> of floor space, has triggered the need for a Section 106 Agreement between the Council and the Developer. Contributions are based on the increase in floor area and are as follows:

Public Art, Highways, Employment Initiatives, Legal and Administration Costs

The application is brought before Committee as the applicant wishes to remove the contribution in relation to Public Art. The Supplementary Planning Document states:

*"a scheme for art that will be to the value of 1% of that total development costs or a financial contribution equivalent to the value of 1% of the total development costs".*

The Council's Implementation Team, applicant and agent have been in discussions with regards to the removal of such a contribution. In addition to considering the Local Plan and SPD guidance on planning obligations it is also necessary to establish whether any planning obligations meet the tests of Circular 05/05 which is also a material consideration. Paragraph B5 states that planning obligations are only

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sought where they meet all the relevant tests. As such a planning obligation should be:

- I. Relevant to planning;
- II. Necessary to make the proposed development acceptable in planning terms;
- III. Directly related to the proposed development;
- IV. Fairly and reasonably related in scale and kind to the proposed development; and
- V. Reasonable in all other aspects.

Following discussions and consideration of the proposed development, I am of the opinion, and this is also shared by the applicant/agent, that in the instance of this application a contribution to public art is not necessary to make the proposed development acceptable in planning terms and will not be directly related to the proposed development.

I am of the opinion that a public art contribution is not necessary to make the proposed development acceptable in planning terms as the proposed extension by virtue of its siting out of the public domain would not have a detrimental impact on the character or appearance of the immediate locality to such a detriment to warrant public art to mitigate these affects. As such a contribution to public art, in my opinion which is shared by other officers, would not be necessary to make the proposed development acceptable in planning terms.

The proposed extension is to an existing industrial unit which is not highly visible from a public domain as such any public art, if sought, would not be either directly related to the development or would not be visible from the public domain. Therefore, I consider that in the instance of point III (directly related to the proposed development), as above, a contribution towards public art is not necessary as it would either not be visible from the public domain or would not directly relate to the proposed development.

The supporting letter of dated 17<sup>th</sup> November 2010 from Harris Lamb, agent, is attached to this report for Members consideration which in summary stresses that “... *if the Planning Application was granted without the public art contribution it would not in anyway harm the development, the local area or planning policies generally.*”

In my view, the removal of this contribution, given the economic climate and the proposals creation of jobs, would not be detrimental to this development or the immediate locality which is characterised predominantly by industrial uses. This is a large extension to an existing building and only exceeds the 106 tolerance because of its size. There are more pressing economic benefits to this scheme but that would be at the expense of the public art contribution.

Section 106 Agreements are designed to mitigate a developments' impacts on the immediate locality, in the instance of this planning application, Members are asked to consider whether the removal of a public art contribution would be detrimental to such a level to resist the development, when taking into consideration all other material considerations.

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I am of the opinion that the extension of this existing industrial unit in an existing industrial area does not require public art to mitigate any impacts of the proposal. The introduction of an extension to this building which is sited approximately 130 metres back from the public highway would not have a detrimental impact on the visual amenity of this, predominately, industrial location. As such I am of the opinion public art would not be appropriate in this particular instance.

Members will be mindful of the merits and importance of this scheme which upon completion should result in the generation of employment opportunities for the citizens of Derby.

### **Summary**

I have weighed up the economic benefits of implementing this scheme, through the creation of jobs, against the removal of a financial contribution towards public art and would emphasise to Members that this is an acceptable solution.

## **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 proposed extension to unit 9 Victory Court Development has been considered in relation to the provision of the Development Plan and all other material considerations as indicated in Section 9 above. The design and scale of the extension is considered to be acceptable and will not detract from the residential amenity currently enjoyed by those nearby residents. The implications are of the proposed development 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)
3. Standard condition 27 (external materials)
4. Standard condition 30 (hard surfacing)
5. Standard condition 38 (drainage scheme)
6. Before the development proceeds, a remediation strategy must be submitted to the Local Planning Authority for written approval. All agreed remediation measures must be incorporated into the development before it proceeds.

All of the respective elements of the completed remediation measures will need to be suitably validated and a validation report shall be submitted to and approved in writing by Derby City Council, prior to the development commencing.

## **Committee Report Item No: 8**

**Application No:** DER/10/10/01330

**Type:** Full

### **11.4. Reasons:**

1. Standard reason E56
2. Standard reason E04
3. Standard reason E14 ... policies GD4 and E23
4. Standard reason E21
5. Standard reason E21
6. Standard reason E49

### **11.5. Informative Notes:**

The applicant/development/agent should be mindful of the following prior to making an application for discharge of condition 5:

- No development should take place until both foul and surface water sewerage schemes have been approved by the local planning authority. The surface water drainage shall include Sustainable Drainage features.
- Runoff from the development shall be outlet at a rate not exceeding the present or pre-developed rate with the one in thirty year rainfall event retained below normal ground level, the one in 100year plus climate change rainfall event to be retained on the development. Calculations to that end are to be approved by the local planning authority including that habitable rooms do not flood with the limiting device in place. The route of outflow from a rainfall event that exceeds that amount shall be made known to the local planning authority.
- Sustainable drainage features shall be in accordance with Annex F7 - F11 of PPS25.
- Calculations to ascertain the present or pre-developed surface water discharge rate shall be to IH124 pro rata as for urban development and this shall be used to determine the rate of discharge of the limiting device for the discharge of surface water.
- Surface water runoff should be prevented from running over the public highway.

### **11.6. S106 requirements where appropriate:**

Contributions are to be made in relation to the following:  
Highways, Employment Initiatives, Legal and Administration Costs

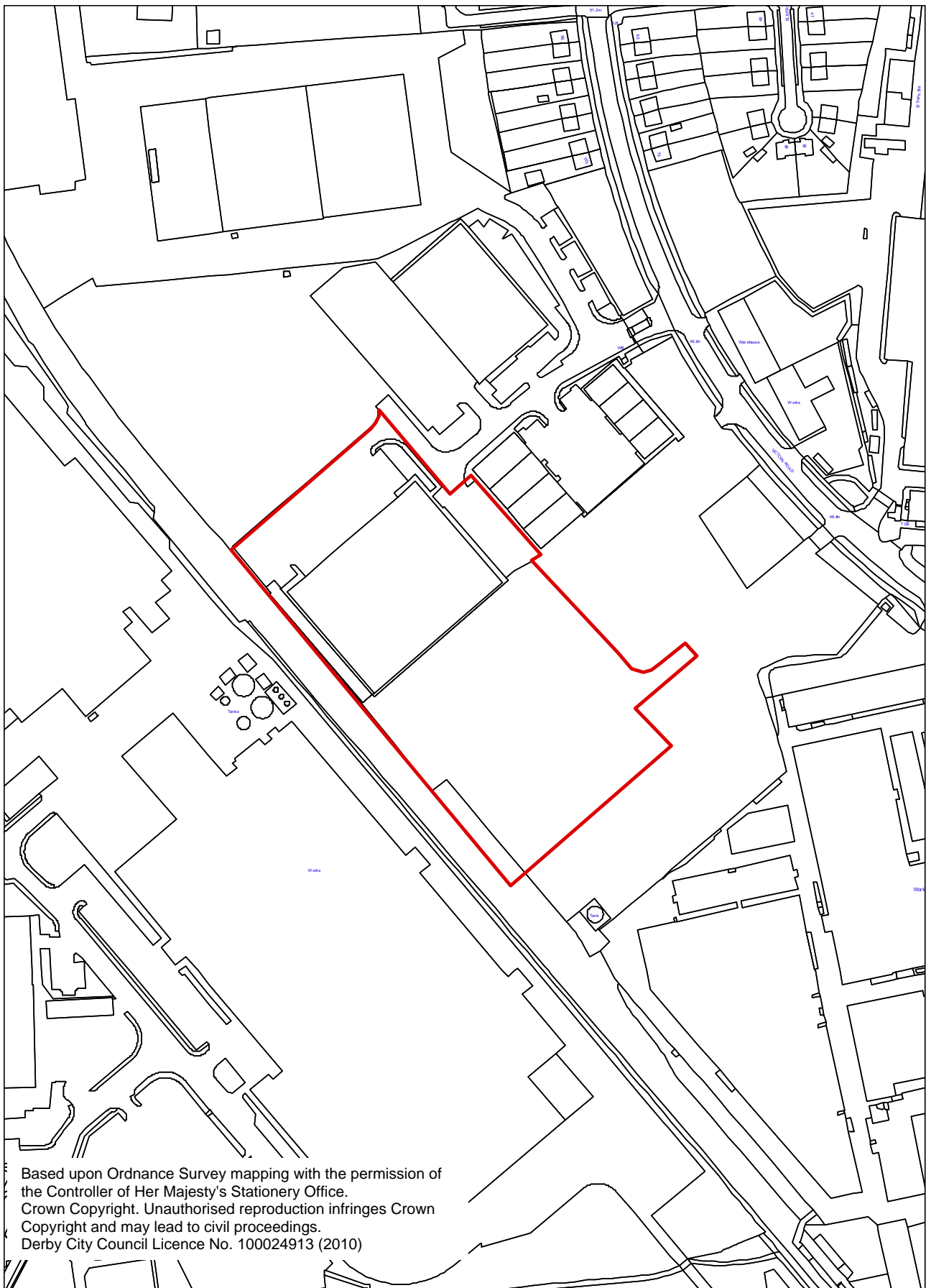
### **11.7. Application timescale:**

The application has a 13 week determination period and does not expire until 28<sup>th</sup> January 2011.

**Committee Report Item No: 8**

**Application No:** DER/10/10/01330

**Type:** Full



## **Committee Report Item No: 9**

**Application No:** DER/06/10/00788

**Type:** Full

1. **Address:** 14 Arlington Road.

2. **Proposal:**

Extensions to dwelling house (breakfast room, conservatory, kitchen, lounge, 2 bedrooms and 2 en-suite bathrooms) and formation of room in roof space (playroom) – amendment to previously approved planning application code no. DER/09/09/01148.

3. **Description:**

Planning permission is sought to secure a number of changes to an extant planning permission to extend this detached dwelling house which is located on the south side of Arlington Road.

The extant planning permission (code no. DER/09/09/01148) includes a side two storey hipped roof extension combined with a rear elevation two storey dual pitched roof extension. The scheme also includes a rear elevation single storey kitchen extension with dual pitched roof and a single storey conservatory extension with hipped roof. A raised patio area is sited off the conservatory and adjoining the kitchen extension. Planning permission was granted for these works on 13 January 2010. That application was granted planning permission with conditions under officer's delegated powers following consultation with the chair and ward members given that the application had attracted an objection.

Works on-site have substantially implemented the extant planning permission and, during the construction process, a number of amendments to the design have been included that now form part of this application. The applicant has been advised to cease any further works until this application is determined.

The external changes included in the current application, beyond the extant planning permission, are as follows:

i) The parapet roof for the side two storey hipped roof extension is replaced with a hipped roof.

ii) The front elevation first floor window on the side extension to serve bedroom 4 is offset to the right where the extant planning permission includes a centralised window.

iii) The front elevation ground floor French doors with canopy above on the side extension to serve the breakfast room replace a window that is included in the extant planning permission.

iv) A hipped roof dormer extension is sited in the side, south-west, plane of the original roof of the dwelling. The dormer has been constructed and measures approximately 2.5m in breadth. It is sited fairly centrally in that side roof plane of the original roof.

v) A velux roof window is repositioned in the extended dual pitched roof in the side, south-west, roof plane and an additional velux roof window is included in the hipped roof of the side two storey extension.

vi) The eaves height of the rear single storey kitchen extension is approximately 250mm greater and the dual pitched roof accommodates a shallower roof pitch than

## **Committee Report Item No: 9**

**Application No:** DER/06/10/00788

**Type:** Full

the extant design. Therefore, the total height of the kitchen extension roof ridge from ground level is approximately the same as the extant planning permission. A velux roof window is included in the side, north-east, roof plane of the dual pitched roof in the kitchen extension.

vii) A pitched roof dormer extension is sited in the side, north-east, plane of the original roof of the dwelling. It is sited partially behind an existing chimney stack on that side elevation.

It is apparent that window designs that have been implemented on the rear, south-east, elevation of the two storey extension differ from those included in the extant planning permission and the submitted drawings for this application. Those particular windows serve bedroom 4 and the playroom in the extended roof space. The applicant's agent has been asked to rectify these anomalies.

### **4. Relevant Planning History:**

1) DER/11/08/01611 – extensions to dwelling house (study, w.c., lounge, breakfast room, kitchen, conservatory, 2 bedrooms with en-suite, bathroom and enlargement of bedroom) and formation of room in roof space (playroom) – permission refused on 9 January 2009.

2) DER/02/09/00154 - (study, w.c., lounge, breakfast room, kitchen, conservatory, 2 bedrooms with en-suite, bathroom and enlargement of bedroom) and formation of room in roof space (playroom) - permission granted with conditions on 18 June 2009.

3) DER/09/09/01148 – extensions to dwelling house (breakfast room, conservatory, kitchen, lounge, 2 bedrooms, and 2 en-suite bathrooms) and formation of room in roof space (playroom) – permission granted with conditions on 13 January 2010.

### **5. Implications of Proposal:**

#### **5.1. Design and Community Safety:**

The design of the extensions and alterations that form part of this application only need to be considered. The principal components of the application that visually impact on the public zone are the new dormer extensions in the opposing side roof planes of the original dwelling. The dormer extension in the side, south-west, roof plane is very apparent in the street-scene when viewing the site from the public zone, particularly to the front of nos. 3 – 11 opposite.

#### **5.2. Highways – Development Control:**

No objections to the application in highways terms.

#### **5.3. Other Environmental:**

Concerns have been expressed about the removal of trees from the site but none of the trees are covered by a Tree Preservation Order.

### **6. Publicity:**

Neighbour Notification Letter	9	Site Notice	N/A
Statutory Press Advert and Site Notice	N/A	Discretionary Press Advert and Site Notice	N/A



## **Committee Report Item No: 9**

**Application No:** DER/06/10/00788

**Type:** Full

Other	N/A
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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:**

The application has generated objections from neighbouring residents. Four individual properties have submitted more than one letter / e-mail in response to this application and a petition, including signatures from eight households, has been submitted. The objectors are essentially concerned about:

- The undue visual impact of the extensions within the context of the street-scene and the wider area.
- The design composition of the extensions with regard to the scale and form of the dormer extensions on the opposing roof planes of the original dwelling.
- Overlooking issues from the proposed extensions and the privacy implications for adjoining neighbours, particularly nos. 8, 10 and 12 Arlington Road.
- The issue of work continuing on-site in the absence of a valid planning permission and the inadequacies of the planning system.
- The quality of the submitted drawings.
- On-site parking issues for a dwelling of this size.
- Structural issues with the development and the competencies of the builder's team.

*All copies of the representations are available to view on the Council's eplanning service. [www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*

### **8. Consultations:**

No external consultations have been undertaken.

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

GD4	Design & the urban environment
GD5	Amenity
H16	House extensions
E23	Design
T4	Access, 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.*

### **9. Officer Opinion:**

Members will be aware that the merits of the individual components of the application, as included in part 3 of this report, are the basis for determination of this application. There is no opportunity to re-assess the components of the extant

## **Committee Report Item No: 9**

**Application No:** DER/06/10/00788

**Type:** Full

planning permission which was determined in accordance with the saved policies and procedures of the City Council.

In my opinion, the principal planning issues in this case centre on the following:

- The visual impact of the proposed side dormer extensions in relation to the extended design of the original dwelling and the overall context of this part of the Arlington Road street-scene.
- The residential amenity impact of the proposed dormer extensions in overlooking terms in relation to adjoining neighbours.
- The impact of the elevation changes to the design, with particular regard to the front elevation changes on the side two storey extension.

The property has been the subject of three previous applications for a range of extensions and none of the previous schemes have included dormer extensions in either the original roof of the dwelling or the extended roof space. The extant permission includes a playroom within the extended roof space of the property but dormer extensions do not form part of that permission.

Dormer extensions in the side roof planes of dwellings are sometimes ‘permitted development’ as defined under the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, subject to certain criteria and conditions. In this case permission is required by virtue of the combined volume (or “resulting roof space”) of the proposed dormer extensions and the roof space extensions implemented under the extant permission. The City Council therefore has control over the siting and design of the dormer extensions.

As part of the completion of the dormer extensions on-site the applicant and agent maintain that they contacted my officers by telephone to ascertain whether or not planning permission was required for the work. I have spoken to the officers concerned and, in cases such as this, it is essential that accurate information is provided by customers to ensure that the correct professional advice is given. For the avoidance of doubt my officers advise customers that, in order to be certain that a proposed development does not warrant planning permission, an application for a ‘certificate of lawfulness of proposed development’ is the appropriate mechanism and provides a formal decision.

The objectors have raised concerns about the absence of symmetry with the dormer extensions given their proportions and contrasting roof designs. The dormer on the south-west roof plane has a hipped roof whereas the dormer on the north-east roof plane has a dual pitched roof. The dormers are visible in the public domain, with the hipped roof dormer on the south-west roof plane being, in my opinion, the most prominent. In my opinion the inclusion of a hipped roof for that dormer extension is a sensible design solution given the hipped roof design of the side two storey extension. I also consider that the dormer extension is reasonable in overlooking terms given that the window is obscure glazed and only serves a staircase into the playroom. Whilst views could be gained from the staircase through the opening windows across neighbouring properties, I am satisfied that the dormer extension provides limited overlooking potential from a non-habitable space. In line with saved

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polices H16 and GD5 I, therefore, conclude that the dormer extension is reasonable in privacy and amenity terms relative to neighbouring properties.

However, notwithstanding its individual design characteristics, the dormer extension is an obvious addition in this part of the street-scene where dormer extensions are not a consistent feature. In my opinion its undue prominence is compounded by the visual association with the side two storey extension and the rather generous gap that exists between the property and the neighbour at no. 12, which sits on a lower ground level. I, therefore, conclude that the dormer extension is unreasonable in overall street-scene terms in this particular context.

The gap between the side of no. 14 and the neighbour at no. 16 is smaller and less apparent in the context of the street-scene. Given the existence of two rather prominent chimney stacks on that side elevation, the dual pitched roof dormer extension is, in my opinion, far less intrusive in the street-scene. I, therefore, raise no objections to the siting of that dormer extension in street-scene terms. I also raise no objections to the dormer extension in overlooking terms from the relatively small obscure glazed window given its siting and relationship to the most affected neighbour at no. 16.

In relation to the other components of the application as included in part 3 of the report and labelled under i), ii), iii), v) and vi), I consider that the elevation changes, amendments to the velux roof window positions and changes in the eaves height of the rear single storey kitchen extension are tolerable in siting, design and massing terms in this context. I, therefore, raise no objections to those relatively minor components in relation to the provisions of saved policies H16 and GD5 in this context. In relation to the amendments to the rear elevation windows in the rear two storey extension I consider that the position and sizes of the windows are acceptable in design terms in this largely private zone location.

By the time of the meeting Members will have had the opportunity to visit the site and my officers have also visited the site on a number of occasions to consider the merits of the application. A range of photographs will also be available as part of the Powerpoint presentation at the meeting to clarify for Members the nature of the overall street-scene context.

In this case I recommend that a split decision be issued given that, in my opinion, the application contains both acceptable and unacceptable component parts. The approach of issuing split decisions is undertaken on limited occasions and I understand that other local planning authorities carry out the procedure when appropriate. In this case I consider that it would be a reasonable and proportionate approach to issue such a split decision. A colleague from the Council's Legal Division will be available at the meeting to discuss the legalities of this approach, if required.

### **10. Recommended decision and summary of reasons:**

#### **11.1. To grant planning permission with a condition.**

**11.1 A. To authorise** the Service Director of Legal & Democratic Services to undertake enforcement action, in conjunction with the Council's Planning Enforcement & Compliance Team, to secure the removal of the dormer extension in the side south-west roof plane facing no. 12 Arlington Road,

## **Committee Report Item No: 9**

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upon the expiry of the period for lodging an appeal against the condition in question or following any unsuccessful appeal against the condition in question.

### **11.2. Summary of reasons:**

The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9 above and, subject to the exclusion by condition of the dormer extension in the side south-west roof plane facing no. 12 Arlington Road, the proposed alterations and extensions subject of this application are generally acceptable additions to this dwelling house in siting, design, general street-scene terms and residential amenity terms in relation to neighbouring residents.

### **11.3. Conditions:**

1. This permission shall not extend to include the dormer extension in the side south-west roof plane facing no. 12 Arlington Road.

### **11.4. Reasons:**

1. In the opinion of the Local Planning Authority the dormer extension in this part of the original roof space of the dwelling house is an unduly prominent and intrusive addition to the dwelling house that is out of keeping with the character of this part of the street-scene, contrary to saved policies H16 and GD5 of the adopted City of Derby Local Plan Review.

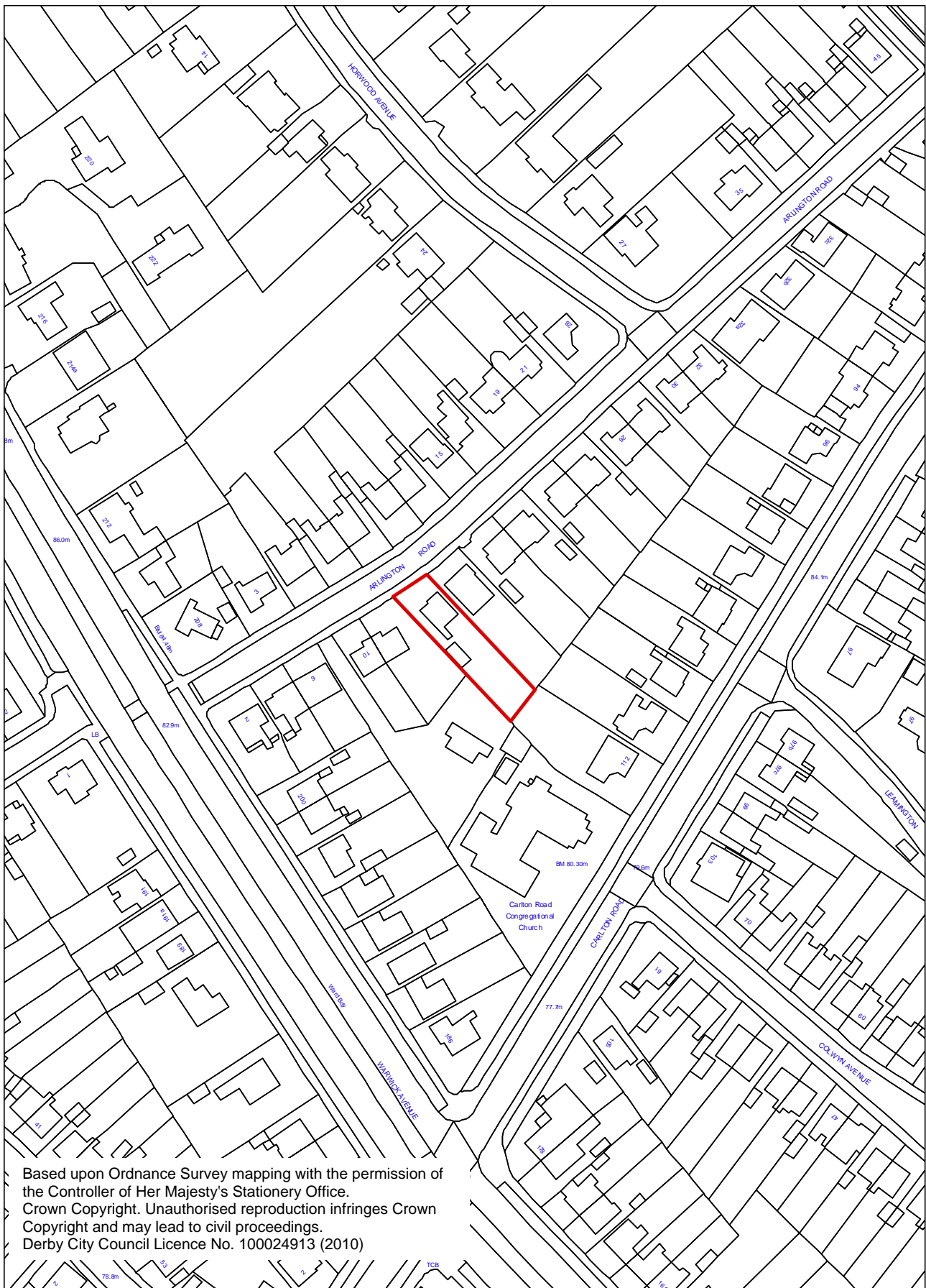
### **11.5. Application timescale:**

The statutory determination period for the application expired on 23 August 2010.

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**Type:** Full





DERBY CITY COUNCIL

# Derby City Council

## Delegated Decisions Made Between 04/11/10 and 03/12/10

Application No	Application Type	Location	Proposal	Decision	Decision Date
04/10/00493/PRI	Full Planning Permission	Unit, Mansfield Road, Derby (Former Nightclub)	Change of use from nightclub (Sui Generis Use) to banqueting suite/restaurant (Use Class A3) and extension (shelter)	Granted Conditionally	05/11/2010
07/10/00816/DCC	Non-material amendment	Land at side of Mackworth Library, 69, Prince Charles Avenue, Derby, (Adjacent Mornington Crescent)	Erection of library - Non material amendment to previously approved permission DER/04/08/00579 to amend access arrangements	Granted	11/11/2010
07/10/00817/PRI	Full Planning Permission	40-46 Stafford Street, Derby	Change of use, extensions and external alterations to no's. 40-46 Stafford Street from flats/offices to form extension to nursing home (Lavender Lodge Nursing Home, 48-50 Stafford Street)	Granted Conditionally	02/12/2010
07/10/00840/PRI	Certificate of Lawfulness Existing Use	8 The Green, Mickleover, Derby	Installation of french doors to rear of dwelling in Mickleover Conservation Area	Granted	08/11/2010
07/10/00855/PRI	Full Planning Permission	65 Friar Gate, Derby (Chestnut House)	Change of use from school buildings (Use Class D1) to offices (Use Class B1)	Granted Conditionally	04/11/2010
07/10/00931/PRI	Full Planning Permission	Unit 2, Stoney Cross Industrial Park, Stoney Gate Road, Spondon, Derby	Extension to industrial unit and erection of security fencing	Granted Conditionally	25/11/2010
08/10/00984/PRI	Works to Trees under TPO	94 Swarkestone Road, Chellaston, Derby	Fell Sycamore and pollard Ash tree protected by Tree Preservation Order 1990 No. 60 (Swarkestone Road)	Granted Conditionally	17/11/2010
08/10/00986/PRI	Full Planning Permission	47 Greenland Avenue, Derby	Extension to dwelling house (utility, wc, bedroom, study and enlargement of kitchen and bathroom)	Granted Conditionally	04/11/2010
08/10/00990/PRI	Full Planning Permission	17 Porters Lane, Oakwood, Derby	Demolition of bungalow and erection of dwelling house	Granted Conditionally	04/11/2010
08/10/00998/PRI	Full Planning Permission	185a Ladybank Road, Mickleover, Derby	Change of use of first floor from residential (Use Class C3) to offices and treatment rooms	Granted Conditionally	10/11/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
08/10/00999/PRI	Full Planning Permission	295 Uttoxeter Road, Mickleover, Derby	Extension to dwelling house (living room and enlargement of kitchen/dining room) and enlargement of detached garage (store)	Granted Conditionally	10/11/2010
08/10/01021/PRI	Certificate of Lawfulness Proposed Use	15 Blenheim Drive, Allestree, Derby	Extension to dwelling house (utility room, w.c. and enlargement of dining room and kitchen)	Granted	17/11/2010
08/10/01024/PRI	Full Planning Permission	33 Hatfield Road, Alvaston, Derby	Erection of brick skin to bungalow and extensions (porch/ store and enlargement of kitchen/dining room)	Granted Conditionally	04/11/2010
08/10/01037/PRI	Reserved Matters	Phase 3 The Point, Locomotive Way, Pride Park, Derby	Erection of offices	Granted Conditionally	05/11/2010
08/10/01038/PRI	Full Planning Permission	University of Derby, Kedleston Road, Derby, (Kirtley Building)	Re-development of Kirtley building and extension for educational use (Use Class C2) and landscaping	Granted Conditionally	24/11/2010
08/10/01045/PRI	Full Planning Permission	10 Cheyenne Gardens, Chaddesden, Derby	Extension to dwelling house (conservatory) and erection of detached garage	Granted Conditionally	16/11/2010
08/10/01054/PRI	Certificate of Lawfulness Proposed Use	23 Evans Avenue, Allestree, Derby	Extension to dwelling house, juliet balcony and insertion of roof lights	Granted	15/11/2010
09/10/01093/PRI	Advertisement consent	Currys Ltd, Kingsway Retail Park, Derby	Display of 3 internally illuminated fascia signs	Granted Conditionally	15/11/2010
09/10/01097/PRI	Full Planning Permission	Units 5 - 8 Bemrose Park, Wayzgoose Drive, Derby	Change of use of Industrial Unit (Use Class B2) to Light Industrial/Warehousing (Use Classes B1 and B8)	Granted Conditionally	25/11/2010
09/10/01098/PRI	Certificate of Lawfulness Proposed Use	63 Devonshire Drive, Mickleover, Derby	Formation of rooms in roof space with dormers	Granted	22/11/2010
09/10/01104/PRI	Full Planning Permission	18 Goldcrest Drive, Spondon, Derby	Extension and alteration to garage to form annexe	Granted Conditionally	12/11/2010
09/10/01109/PRI	Full Planning Permission	186 Uttoxeter Road, Mickleover, Derby	Extensions to dwelling house (sitting room, bedroom and en-suite)	Granted Conditionally	16/11/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
09/10/01111/DC5	Prior Notification	Highway verge adjacent entrance to Macdonalds Restaurant, Ashbourne Road, Derby	Erection of 15m high telecommunications mast, 6 antennae and equipment cabinet	Raise Objections	05/11/2010
09/10/01112/PRI	Full Planning Permission	117 Friar Gate, Derby	Change of use of ground floor from Use Class A1 (retail) to Use Class A2 (financial and professional services)	Granted Conditionally	17/11/2010
09/10/01113/DC5	Prior Notification	Footpath north-west of junction Meadow Lane and London Road, Derby (Opposite 998 London Road)	Erection of 15m high telecommunications mast, 6 antennae and equipment cabinet	Raise No Objection	05/11/2010
09/10/01115/PRI	Full Planning Permission	Land rear of 17 and 19 Derby Road, Chellaston, Derby (access between 19 and 21)	Erection of dwelling house	Refuse Planning Permission	16/11/2010
09/10/01118/PRI	Full Planning Permission	39 Muswell Road, Derby	Extension to dwelling house (enlargement of kitchen) and formation of rooms in roofspace (two bedrooms, en-suite, enlargement of two bedrooms and alterations to roof)	Granted Conditionally	23/11/2010
09/10/01119/PRI	Full Application - disabled People	75 Arnhem Terrace, Spondon, Derby	Extension to dwelling house (bedroom and wetroom)	Granted Conditionally	24/11/2010
09/10/01123/PRI	Works to Trees under TPO	1 Spinney Close, Darley Abbey, Derby	Felling of Leyland Cypress, 3 Lawson's Cypress and 4 conifers protected by Tree Preservation Order 2005 No 439 (1 Spinney Close Darley Abbey)	Granted Conditionally	09/11/2010
09/10/01127/PRI	Advertisement consent	Unit 7, The Point, Locomotive Way, Pride Park, Derby	Display of internally illuminated fascia sign	Granted Conditionally	12/11/2010
09/10/01128/PRI	Works to Trees in a Conservation Area	Mickleover House, Orchard Street, Mickleover, Derby	Branch reduction and thin remainder of branch by 20% of Cedar tree within Mickleover Conservation Area	Raise No Objection	11/11/2010
09/10/01129/PRI	Works to Trees under TPO	131A Radbourne Street, Derby	Repollard Lime Tree protected by Tree Preservation Order No.218 (1999 121 Radbourne Street)	Granted Conditionally	12/11/2010



Application No	Application Type	Location	Proposal	Decision	Decision Date
09/10/01130/PRI	Full Planning Permission	20 Clifton Road, Allestree, Derby	Extension to dwelling (enlargement of bedroom)	Granted Conditionally	16/11/2010
09/10/01131/PRI	Full Planning Permission	6 Fairwood Drive, Alvaston, Derby	Extension to dwelling house (kitchen/living room, w.c., bedroom and en-suite)	Granted Conditionally	11/11/2010
09/10/01132/PRI	Full Planning Permission	77 Sinfin Moor Lane, Chellaston, Derby,	Extensions to dwelling house (family room, garage and games room)	Granted Conditionally	10/11/2010
09/10/01133/PRI	Full Planning Permission	6 Melton Avenue, Littleover, Derby	Extension to dwelling house (garage, w.c., bedroom, en-suite and enlargement of kitchen)	Granted Conditionally	10/11/2010
09/10/01134/PRI	Full Planning Permission	5 Elms Drive, Littleover, Derby	Extension to dwelling house (conservatory)	Granted Conditionally	23/11/2010
09/10/01135/PRI	Full Planning Permission	105 Dale Road, Spondon, Derby,	Extensions to dwelling house (utility, w.c., porch, garage, bedroom and enlargement of kitchen, lounge and bedroom) and formation of hardstanding	Granted Conditionally	10/11/2010
09/10/01137/PRI	Full Planning Permission	22 Amber Road, Allestree, Derby	Extensions to dwelling house (garage, utility room, w.c., en-suite, 2 bedrooms and enlargement of hall)	Granted Conditionally	29/11/2010
09/10/01143/PRI	Full Planning Permission	17 Steeple Close, Oakwood, Derby	Extension of dwelling house (conservatory)	Granted Conditionally	10/11/2010
09/10/01147/PRI	Full Planning Permission	176 St. Albans Road, Derby	Extensions to dwelling house (wet room and enlargement of kitchen, dining room and bedroom)	Granted Conditionally	15/11/2010
09/10/01148/PRI	Full Planning Permission	7 Hedgevale Close, Littleover, Derby	Extensions to dwelling house (sun lounge, family room and enlargement of bedroom and bathroom)	Granted Conditionally	10/11/2010
09/10/01149/PRI	Works to Trees under TPO	Land adjacent 15 Whistlestop Close, Mickleover, Derby	Felling of conifer and shrub (species unknown) protected by Tree Preservation Order No 1998 No 172 (Land adj Fairbourne Drive, Mickleover)	Refuse Planning Permission	22/11/2010
09/10/01151/PRI	Full Planning Permission	732 Osmaston Road, Derby	Change of use from Use Class A1 (Hairdressers) to a mixed use of shop (delicatessen), hot food takeaway, and for the preparation of food for distribution in Use Classes A1, A5 and B1	Granted Conditionally	11/11/2010
09/10/01154/PRI	Full Application - disabled People	31 Portland Street, Derby	Extension to dwelling house (enlargement of bedroom)	Granted Conditionally	10/11/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
09/10/01155/PRI	Full Planning Permission	The Winnatts, 26 Parkfields Drive, Derby	Extension to dwelling house (garage, kitchen, bedroom and en-suite)	Granted Conditionally	16/11/2010
09/10/01156/PRI	Full Planning Permission	12 Chevin Avenue, Mickleover, Derby	Extension to dwelling house (enlargement of kitchen/dining room) and alterations to roof to form rooms in roofspace (bedroom, en-suite and dormer)	Granted Conditionally	11/11/2010
09/10/01157/PRI	Full Planning Permission	14 Rona Close, Sinfen, Derby	Extension to dwelling house (porch, bedroom and enlargement of kitchen and bedroom)	Refuse Planning Permission	30/11/2010
09/10/01158/PRI	Outline Planning Permission	Land adjacent 105 West Avenue North, Chellaston, Derby	Residential development (one dwelling house)	Granted Conditionally	26/11/2010
09/10/01159/PRI	Full Planning Permission	Flat 1, 1 Friary Street, Derby	Change of use from Residential (Use Class C3) to office (Use Class B1 (a))	Granted Conditionally	10/11/2010
09/10/01160/PRI	Full Planning Permission	22 Portland Street, Derby	Extension to dwelling house (shower room and enlargement of kitchen)	Granted Conditionally	11/11/2010
09/10/01161/PRI	Full Planning Permission	9 Sinfen Moor Lane, Chellaston, Derby	Extension to dwelling house (porch)	Granted Conditionally	17/11/2010
09/10/01162/PRI	Full Planning Permission	92 Brackensdale Avenue, Derby	Extension to dwelling house (bedroom, bathroom, w.c. and enlargement of kitchen and dining room)	Granted Conditionally	22/11/2010
09/10/01163/PRI	Full Planning Permission	9-11 Market Place, Derby (Walkabout)	Erection of pergola	Granted Conditionally	26/11/2010
09/10/01168/PRI	Full Planning Permission	18 Kenilworth Avenue, Derby	Extension to dwelling house (bedroom and enlargement of bedroom and bathroom)	Granted Conditionally	17/11/2010
09/10/01169/PRI	Works to Trees under TPO	St. Josephs RC Church, Burton Road, Derby	Felling of various Ash and Sycamore trees protected by Tree Preservation Order 1997 No.146 (St Josephs Primary School and Health Clinics, Mill Hill Lane, Derby)	Granted Conditionally	19/11/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
09/10/01170/PRI	Works to Trees under TPO	Trees at Courtland Gardens Alvaston, Derby	Reduction of overhanging branches of Oak to give 1.5m clearance, crown lift to 4m, crown clean and deadwood Lime, removal of 2 branches, crown clean and deadwood Lime, removal of overhanging branches of Cedar and Beech trees all protected by Tree Preservation Order 2001 282 (58, 58a & 60 Shardlow Road & Courtland Gardens Alvaston)	Granted Conditionally	22/11/2010
09/10/01171/PRI	Works to Trees in a Conservation Area	12 Belper Road, Derby	Reduction of Silver Birch tree and crown reduction by 40% of Cherry Tree within Strutts Park Conservation Area.	Raise No Objection	10/11/2010
09/10/01172/PRI	Variation/Waive of condition(s)	Land at the south side of 73 Belper Road, Derby	Variation of condition 9 of planning permission DER/09/08/01318/PRI to allow removal of Blue Cedar tree	Granted Conditionally	01/12/2010
09/10/01173/PRI	Full Planning Permission	118 Swarkestone Road, Chellaston, Derby	Extension to dwelling house (conservatory)	Granted Conditionally	23/11/2010
09/10/01175/PRI	Full Planning Permission	20 Groombridge Crescent, Littleover, Derby	Extension to dwelling house (study, family room and enlargement of dining room)	Granted Conditionally	16/11/2010
09/10/01176/PRI	Full Planning Permission	26 Askerfield Avenue, Allestree, Derby	Extensions to dwelling house (porch and enlargement of garage)	Granted Conditionally	22/11/2010
09/10/01180/PRI	Full Planning Permission	17 South Avenue, Littleover, Derby	Extension to dwelling house (porch and cloakroom)	Granted Conditionally	23/11/2010
09/10/01181/PRI	Certificate of Lawfulness Existing Use	Unit 1, Payne Street, Derby	Use of premises for General Industry (Use Class B2)	Refuse Planning Permission	24/11/2010
09/10/01184/PRI	Full Planning Permission	25 Offerton Avenue, Derby	Extension to dwelling house (kitchen, dining room, bathroom and bedroom)	Granted Conditionally	30/11/2010
09/10/01186/PRI	Full Planning Permission	Units 5 - 8 Bemrose Park, Wayzgoose Drive, Derby	Installation of 6 loading doors, ramp and goods access door	Granted Conditionally	24/11/2010
09/10/01188/PRI	Full Planning Permission	16 Moorway Croft, Littleover, Derby	Extension to dwelling house (enlargement of bathroom)	Granted Conditionally	30/11/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
10/10/01189/PRI	Full Planning Permission	6 Redmires Drive, Chellaston, Derby	Extension to dwelling house (bin store, utility/porch, shower room, bedroom and enlargement of kitchen/diner)	Granted Conditionally	30/11/2010
10/10/01190/PRI	Full Application - Article 4	78 Belper Road, Derby	Installation of replacement porch screens	Granted Conditionally	22/11/2010
10/10/01192/PRI	Works to Trees under TPO	397 and 403a Burton Road, Derby	Fell of Monkey Puzzle tree and and crown clean and crown lift to 6 metres 2 Lime trees protected by Tree Preservation Order 2001 No 280 (Burton Road/Whitaker Road/Arden Close/Grafton Street/The Close/Horwood Avenue)	Granted Conditionally	26/11/2010
09/10/01195/PRI	Works to Trees under TPO	Foopath between Oswestry Close and Smalley Drive, Oakwood, Derby	Remove Oak and Hawthorn, crown clean, remove deadwood and crown lift 2 Oak Trees to 3 metres and 4 metres respectively of trees protected by Tree Preservation Order 1985 No.31 (Oakwood No.3)	Granted Conditionally	26/11/2010
09/10/01198/PRI	Works to Trees under TPO	Trees at Littledale Close, Oakwood, Derby	Crown clean, remove deadwood and crown lift 2 Oak Trees to 3 metres and 4 metres respectively of trees protected by Tree Preservation Order 1985 No.31 (Oakwood No.3)	Granted Conditionally	26/11/2010
09/10/01199/PRI	Works to Trees under TPO	Footpath between Benmore Court and Limesdale Avenue, Oakwood, Derby	Felling of Oak Tree, crown lift to 3 metres, crown clean and remove deadwood of 4 Oak Trees, removal of lateral branch, crown clean, remove deadwood of Oak Tree and Crown Clean, remove deadwood and epicormic growth of Oak Tree. All Trees are protected by Tree Preservation Order 1985 No.31 (Oakwood No.3)	Granted Conditionally	26/11/2010
10/10/01200/PRI	Full Planning Permission	265 Harrington Street, Pear Tree, Derby(former Prime Foods)	Change of use from metal fabrication business (Use Class B2) to Cash and Carry	Granted Conditionally	29/11/2010
09/10/01201/PRI	Works to Trees under TPO	Footpath between Yewdale Grove and Gilderdale Way, Oakwood, Derby	Crown lift to 3 metres, crown clean and remove deadwood of 3 Oak Trees protected by Tree Preservation Order 1985 No.31 (Oakwood No.3)	Granted Conditionally	26/11/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
09/10/01202/PRI	Works to Trees under TPO	Footpath between Brandelhow Court and Speedwell Close, Oakwood, Derby	Prune back branches of various trees by up to 2 metres and removal of smaller trees protected by Tree Preservation Order 1999 No. 220 (Trees at Lime Lane, Oakwood)	Granted Conditionally	26/11/2010
10/10/01206/PRI	Full Planning Permission	8 Nicholas Close, Spondon, Derby	Extension to dwelling house (enlargement of dining room)	Granted Conditionally	17/11/2010
10/10/01207/PRI	Certificate of Lawfulness Proposed Use	19 Ambervale Close, Littleover, Derby	Formation of rooms in roof space (bedroom and en-suite)	Granted	16/11/2010
10/10/01210/PRI	Full Planning Permission	1 Peak Drive, Derby (Sainsbury's)	Alterations to extension of store previously approved under Code No DER/11/09/01317 to include alterations to external appearance	Granted Conditionally	26/11/2010
10/10/01211/PRI	Full Application - Article 4	92 Arthur Street, Derby	Installation of roof light	Refuse Planning Permission	29/11/2010
10/10/01212/PRI	Works to Trees in a Conservation Area	4 Welney Close and 9 The Hollow, Mickleover, Derby	Removal of 5 Sycamore Trees and 1 Pine Tree within Mickleover Conservation Area	Raise No Objection	15/11/2010
10/10/01214/PRI	Advertisement consent	Wyvern Retail Park, Wyvern Way, Chaddesden, Derby	Display of three internally illuminated totem signs	Granted Conditionally	17/11/2010
10/10/01215/PRI	Full Planning Permission	82 Morley Road, Chaddesden, Derby	Extension to dwelling (enlargement of living room/kitchen) and formation of rooms in roofspace (bedroom and bathroom)	Granted	01/12/2010
10/10/01218/PRI	Full Planning Permission	438 Kedleston Road, Derby	Erection of detached garage	Granted Conditionally	11/11/2010
10/10/01223/PRI	Advertisement consent	14-16 Park Farm Centre, Allestree, Derby (Barclays Bank)	Display of 1 internally illuminated projecting sign and 1 internally illuminated fascia sign	Granted Conditionally	24/11/2010
10/10/01226/PRI	Works to Trees in a Conservation Area	2 Margaret Street, Derby	Pruning of Silver Birch and Cherry tree within Strutts Park Conservation Area	Raise No Objection	18/11/2010
10/10/01230/PRI	Demolition of dwelling house	'Alma' and 'Elta', Rolls Royce, D Site, Sinfen Lane, Sinfen, Derby	Demolition of 2 dwelling houses	Raise No Objection	15/11/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
10/10/01231/PRI	Full Planning Permission	127 Baker Street, Alvaston, Derby	Extension to dwelling house (lounge and playroom)	Granted Conditionally	30/11/2010
10/10/01233/PRI	Full Planning Permission	31 Sadler Gate, Derby (Eye Gallery)	Installation of shop front and windows	Granted Conditionally	29/11/2010
10/10/01236/PRI	Full Planning Permission	200-202 St. Thomas Road, Derby	Installation of shop front and access ramp	Granted Conditionally	17/11/2010
10/10/01256/PRI	Full Planning Permission	Christ The King Presbytery, Prince Charles Avenue, Derby	Erection of cross	Granted Conditionally	24/11/2010
10/10/01259/PRI	Works to Trees under TPO	1 The Plantation, Littleover, Derby	Crown lift to 5m of Oak tree (T1) and removal of branches of Oak tree (T2) protected by Tree Preservation Order 1987 No 37 (Burton Road Area)	Granted Conditionally	17/11/2010
10/10/01262/PRI	Advertisement consent	101 Village Street, Derby (Normanton/Village View Nursing Home)	Display of three non-illuminated fascia signs	Granted Conditionally	29/11/2010
10/10/01263/PRI	Full Planning Permission	40 Grange Avenue, Derby	Extension to dwelling house (two bedrooms and bathroom)	Granted Conditionally	29/11/2010
10/10/01275/PRI	Full Planning Permission	8 Dunsmore Drive, Oakwood, Derby	Extension to dwelling house (conservatory)	Granted Conditionally	22/11/2010
10/10/01276/PRI	Full Planning Permission	86 Maple Drive, Chellaston, Derby	Extension to dwelling house (garage, utility, w.c. and two bedrooms)	Granted Conditionally	23/11/2010
10/10/01291/PRI	Full Planning Permission	38 Windley Crescent, Darley Abbey, Derby	Extension to dwelling house (conservatory)	Granted Conditionally	26/11/2010
10/10/01293/DCC	Local Council own development Reg 3	40 Almond Street, Derby	Single storey extension to dwelling house (utility room and shower room)	Granted Conditionally	25/11/2010
10/10/01306/PRI	Full Planning Permission	72 Onslow Road, Mickleover, Derby	Single storey extension to dwelling house (enlargement of lounge)	Granted Conditionally	26/11/2010
10/10/01320/PRI	Certificate of Lawfulness Proposed Use	7 Charlestown Drive, Allestree, Derby	Single storey extension to dwelling house (store and enlargement of kitchen)	Granted	24/11/2010

Application No	Application Type	Location	Proposal	Decision	Decision Date
11/10/01366/PRI	Certificate of Lawfulness Proposed Use	20 Waveney Close, Allestree, Derby	Alterations and conversion of attached garage to form habitable room	Granted	02/12/2010

**Total Number of Delegated Decisions made during this period: 101**