

B1 APPLICATIONS

1 Code No: DER/11/06/1859

Type: Full

1. **Address:** Site of 71 Weston Park Avenue, Chellaston
2. **Proposal:** Demolition of existing dwelling and erection of 9 dwelling houses and access road (revised application).
3. **Description:** Members will recall this application being reported to the Committee on the 25 January 2007. Members resolved to defer making a decision on the application to enable amendments to be made to the layout which take account of the concerns raised by Crime Prevention Design Advisor. Internal alterations to the dwelling have now been made that improve the natural surveillance capabilities of the proposal. The application site is a large residential plot located on the southern side of Weston Park Avenue in Chellaston. It currently accommodates a single detached bungalow. The plot is rectangular in shape and it has a frontage with Weston Park Avenue of approximately 28m. Weston Park Avenue is generally residential in character and is lined with detached and semi detached dwellings. An access drive extends along the application site's western boundary and provides access to a single detached bungalow which sits to the south of the application site.

Planning permission is sought for the demolition of the existing bungalow and the erection of nine dwellings on the site. Two pairs of semi detached dwellings are proposed to front Weston Park Avenue with a central access road proposed to extend between them and provide access to five dwellings sited on the southern part of the site. Each of the dwellings fronting Weston Park Avenue would have 2 parking spaces. A total of 8 spaces are proposed for the five dwellings at the rear, two for plot 7, one each for plots 5, 6, 8 and 9 with two visitor spaces between them.

4. **Relevant Planning History:** DER/1106/1859 – demolition of dwelling and erection of 9 dwelling houses and access road – withdrawn 20 November 2006.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** This scheme proposes a combination of both semi detached and terraced dwellings for this site. Two storey semi detached properties are proposed to front Weston Park Avenue and are a type of dwelling that are characteristic of the existing street scene. These dwellings would also sit in line with the established pattern of development along Weston Park Avenue. The dwellings which are proposed to the rear of the site would not be so visible within

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the context of the existing street scene. However they also include a pair of semi detached dwellings and a modest row of three terraces and are of a scale that I do not consider to be out of place in this existing residential context. I raise no objections to this scheme on design grounds.

5.3 Highways: The proposal includes 16 no. parking spaces which are satisfactory as it includes for 200% parking on the fronting properties. Shared use of the access road is acceptable and I note provision for refuse/recycling bins within the 1m strip paved margin. Measures should be taken to prevent surface water run off onto the highway. There are no highway objections to the scheme.

5.4 Disabled People's Access: The units will have a degree of accessibility through compliance with building regulation guidance.

5.5 Other Environmental: The site contains a number of trees that sit predominantly on the southern part of the site. The majority are fruit trees and are proposed to be felled in order to facilitate this development. A tree survey was submitted with the application and it is considered that there are no trees on the site that are worthy of protection by a preservation order.

A bat survey has been undertaken and no bats were found to be present on site. The views of Natural England are detailed in section 8 of this report.

6. Publicity:

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

7. Representations: Eleven objections to this application had been received including one from Councillor Tittley.

The nature of the objections raised, relate to:

- The proposal offering a cramped and over intensive form of development.
- The site not constituting brownfield land but is a valuable green space

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- The proposal offers insufficient parking provision and would result in increased traffic, congestion and on-street parking on Weston Park Avenue.
- The loss of trees on the site effecting local wildlife
- Local infrastructure being unable to accommodate additional housing
- The design and density of the development being out of keeping with the character of other houses in the street
- The lack of front gardens, spoiling the street scene
- The development would isolate the bungalow located to the rear of the site
- Increased noise and light pollution
- Loss of privacy and light for neighbouring residents.

Any additional letters of representation that are received in response to revisions to the scheme will be made available in the Members rooms and reported orally.

8. Consultations:

DCommS (Arboriculture) - no trees have been identified on the site as worthy of retention therefore there are no objections to the proposals.

DWT - are not aware of any substantive nature conservation interest within the proposed development site but do hold a record for Pipistrelle bat in the local area. The building proposed for demolition has been surveyed by a suitably experienced and licensed bat worker and the work has concluded that there is no indication of the presence of bats or bat roosts in the building. The extensive garden area around the bungalow will be of value and benefit for wildlife. From the application documentation there does not appear to be any features within the development design which are of benefit for biodiversity. This combined with the loss of the gardens and orchard means that the proposed development is likely to result in a net loss of biodiversity within the development site.

Natural England - though the bat survey was undertaken at a sub-optimal time the buildings are generally unsuitable for roosting bats and no evidence of bats was found. None of the trees scheduled for works

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were considered to be suitable for roosting bats. Natural England therefore holds no objection to the application with respect to bats but if permission is granted would wish for a condition to be attached to require an additional bat survey to be undertaken if works do not commence within one year of planning permission being granted.

Crime Prevention Design Advisor – the amendments that have been made to the main habitable rooms within the dwellings have addressed previous concerns relating to the surveillance capabilities of the development.

9. Summary of policies most relevant: Adopted CDLPR:

- GD4 - Design and the urban environment
- GD5 - Amenity
- H13 - Residential development - general criteria
- E5 - Biodiversity
- E9 - Trees
- E10 - Renewable energy
- E17 - Landscaping schemes
- E23 - Design
- T1 - Transport implications of new development
- T4 - Access, parking and servicing

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

10. Officer Opinion: The site is located in a residential area and it forms part of the residential context of Weston Park Avenue. As previously developed land it meets the criteria for brown field regeneration advocated in Central Government Guidance in PPS3. At 0.16 hectare is size, the proposal offers a development of 56 dwellings per hectare.

Crime Prevention Design

The Crime Prevention Design Advisor raised concern that the standard house type layout proposed for this site, offered no natural surveillance opportunities as all main habitable rooms were rear facing. He also raised concern that the layout did not offer direct surveillance of vehicle parking areas which he suggested could lead to indiscriminate parking within the cul de sac.

In response to these comments the applicants have amended the internal layout of some of the dwellings. The internal layouts of plots, 1, 3, 6 and 8 have been altered in order that those four plots accommodate living room windows on the front elevation at ground floor level. Plots 1, 6 and 8 have also been amended to accommodate

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second bedroom windows at first floor level, on the front elevation. It is considered that these amendments would offer improved surveillance of the street and parking areas. The Crime Prevention Design Advisor has confirmed that the amendments made have addressed his concerns.

Siting and Design

The siting of the proposed dwellings which are to front the highway would be in line with the existing pattern of development along Weston Park Avenue. The other five dwellings would sit to the rear of the established built form of the street scene but this type of development is not uncharacteristic of Weston Park Avenue. The bungalow at no. 73, which sits to the south of the application site, already enjoys a backland position in relation to neighbouring property even though it takes its access from Weston Park Avenue. A residential care home also enjoys a backland position, to the rear of dwellings to the east of the application site on Weston Park Avenue.

Each of the dwellings is proposed to accommodate a reasonable amount of private garden space. The central access road and the private drive to no. 73 will also provide space between the pairs of semi detached property which are to front Weston Park Avenue and although this application proposes a much denser form of development than it currently accommodates, I do not consider the dwellings would appear cramped in the context of the street scene.

The scale of the individual dwellings is not excessive. They are proposed to have simple yet balanced elevations and I do not consider they would appear out of place in this residential context. Weston Park Avenue does contain dwellings of various size and height and I feel that the two storey pairs of semi detached property which are detailed as fronting this development would fit in with the character of this street scene. The dwellings to the south of the site would not be viewed fully within the context of Weston Park Avenue, but I still consider them to offer attractive residential property for the locality.

The land to the front of the four dwellings which are to face onto Weston Park Avenue is to be used for car parking which offers a large area of hard surfacing and little scope for landscaping. However, a number of dwellings in the locality use their frontages for parking. Although more landscaping would be desirable across this frontage, I do not consider the use of this area of the site for parking to be uncharacteristic of residential locations such as this and do not consider this element of its design offers grounds for refusal of planning permission.

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Amenity Considerations

This proposal offers a much more intense form of development than the site accommodates currently and the spacious setting of the site and views in and around the existing site would obviously be changed by the proposed development. However the layout of the proposal meets with our normal space standards and distances of over 22m are met between the windows in the front elevation of the new dwellings and those on the opposite side of Weston Park Avenue. The five houses at the rear of the site would also have their fronting windows 21m from those in the rear elevations of the neighbouring houses on Weston Park Avenue. In this case, I feel that one of the most important relationships to consider is that of the development to 73 Weston Park Avenue, given that this neighbouring property is a bungalow and it has its principal windows less than 6m from the application site's southern boundary. However, given the garden depths proposed on site and the siting of the proposed dwellings, our space standards have been met between any of the new windows that would have a direct relationship to those in the frontage of no. 73. Grounds for refusal of planning permission based on a loss of privacy and amenity for existing neighbouring occupiers would therefore be difficult to sustain in this case.

Highways and Parking

There are no highway objections to the intensification of use proposed on this site and the proposed access to the site is considered acceptable in highway terms. Levels of proposed parking provision are considered to be appropriate.

Environmental Issues

On the basis of the submitted bat survey it is concluded that it is unlikely that the site would support a bat roost. Natural England and Derbyshire Wildlife Trust have not objected to the application on this basis. I have noted Derbyshire Wildlife Trust's comments regarding a net loss of biodiversity on the site but considered alongside PPS 3's aim to provide more efficient use of brownfield sites such as this, I do not feel that it offers comprehensive grounds for refusal of planning permission in this case.

It is not considered that there are any trees on this site that are worthy of protection. The loss of trees on the site is not ideal, but it is considered preferable that a landscaping scheme be sought by condition should planning permission be granted for this development, which would see the planting of trees in positions in which they are more likely to be retained by future occupiers.

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It is considered that this proposal reasonably meets the aims of the appropriate CDLPR policies. No objections have been raised to the amended scheme by the Crime Prevention Design Advisor and it is felt that there are no clear grounds on which to refuse planning permission in this case.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated at 9. above and the siting, design, street-scene and massing impact of the proposed development is considered to be acceptable in this location.

11.3 Conditions

1. This permission relates solely to the application as amended by the following drawings:
Layout Plan PL/SL/1 rev a received 8 February 2007
House type A PL/SLL/2A received 15 February 2007
House type B PL/SL/3A received 15 February 2007
House type C PL/SL/4A received 15 February 2007
House type A PL/SL/5A received 15 February 2007
Street elevations PL/SL/6A received 15 February 2007
2. Standard condition 27 (materials)
3. Standard condition 20 (approval of landscaping scheme)
4. Standard condition 22 (landscaping within 12 months (condition 3))
5. Standard condition 24A (vegetation – protection incl. overhanging)
6. Standard condition 19 (means of enclosure)
7. Standard condition 30 (surfaces to be drained, surface etc)
8. No development shall commence until a scheme including the timing for the provision of surface water drainage works and foul water drainage provision has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of Sustainable Drainage features unless otherwise agreed in writing by the Local Planning Authority.

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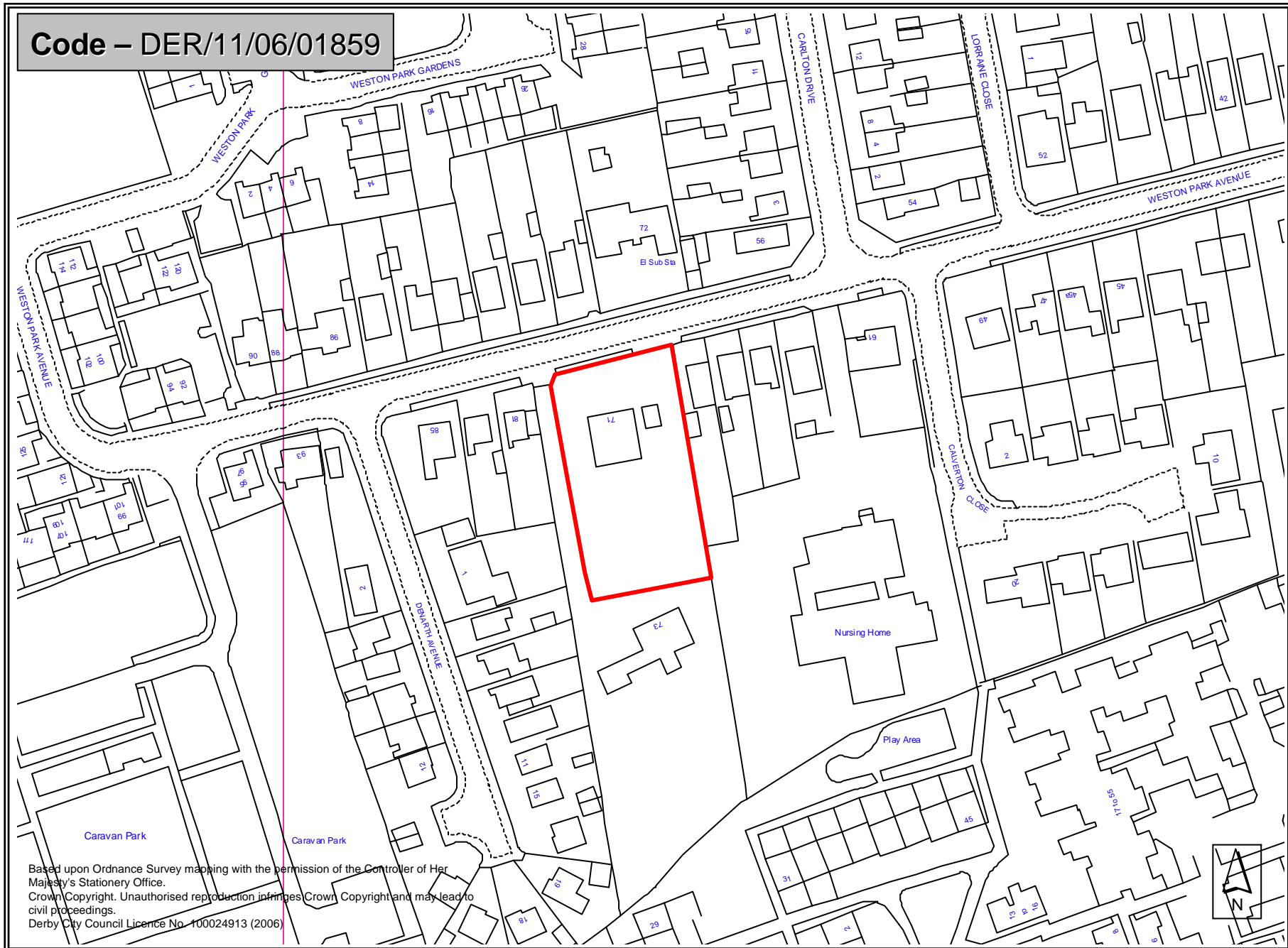
9. The construction of the dwellings shall have full regard to the need to reduce energy consumption and a scheme shall be submitted and approved in writing by the Local Planning Authority, to demonstrate what measures are proposed before the development is commenced. The approve scheme shall be implemented in its entirety before the approved dwelling to which it relates is occupied.
10. The side facing landing windows to plots 1, 4, 5 and 9 shall be obscure glazed and maintained as such at all times thereafter.

11.4 Reasons

1. Standard reason E04
2. Standard reason E14 ...policies H13/E23
3. Standard reason E14 ...policies H13/E23/E17
4. Standard reason E14 ...policies H13/E23/E17
5. Standard reason E29 ...policy E9
6. Standard reason E14 ...policies H13/E23
7. Standard reason E14 ...policy H13
8. Standard reason E21
9. 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 policy E10 of the adopted City of Derby Plan Review.
10. Standard reason E07 ...policy H13

11.5 S106 requirements where appropriate: None

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B1 APPLICATIONS (cont'd)

2 Code No: DER/12/06/02054

Type: Full

1. **Address:** 20 Tamar Avenue, Allestree
2. **Proposal:** Erection of dwelling
3. **Description:** This application relates to a residential property at the end of Tamar Avenue, Allestree, which is a cul-de-sac. 20 Tamar Avenue is a modest detached bungalow with detached garage and a generous side curtilage. It lies within the 1960's estate and the suburban context comprises bungalows and 2 storey dwellings. To the rear of the site, the residential character is made up of two storey semi-detached dwellings. To the north of the site is an existing public footpath leading to Elm Grove and Woodlands Road.

The proposed development would involve formation of a modest infill plot to the side of the existing bungalow. The existing garage would be demolished and a 2 bedroom dormer bungalow would be erected, which would have a similar building footprint to the existing dwelling. It would be up to 9 metres wide and 8.5 metres deep, with a gable roofline, 6.5 metres high. It would have 2 pitched roof dormers on the rear elevation and 2 rooflights on the front roofslope. The rear garden would be about 9 metres deep and the existing vehicle access would be extended to form a separate parking area for the new dwelling. A parking and turning area would also be formed on the front of the existing property.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The design and form of the proposed dwelling would reflect the character and scale of nearby dwellings in the local streetscene. There would be no adverse community safety implications arising from this scheme.
 - 5.3 **Highways:** No objections, subject to the existing access being extended and constructed in accordance with highway standards.
 - 5.4 **Disabled People's Access:** The dwelling would need to comply with the Building Regulations.
 - 5.5 **Other Environmental:** The site is an overgrown garden, which comprises mature shrubs and ornamental planting. It does not have any existing trees of merit.

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2 Code No: DER/12/06/02054

6. Publicity:

Neighbour Notification letter	6	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

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

- The increase in vehicular traffic on Tamar Avenue would cause problems due to limited parking availability and existing residential traffic
- The proposed access would be restricted leading to conflict and potential dangers for existing traffic in the street.
- The vehicle access would be adjacent to an existing footpath and gives rise to safety concerns from pedestrians exiting the footpath.

8. Consultations: None.

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

GD5 - Amenity
H13 - Residential development – general criteria
E23 - Design
T4 - Access and parking
E10 - Renewable energy

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

10. Officer Opinion: This residential scheme would relate to the side curtilage of a modern detached bungalow, which amounts to a brownfield site as defined by PPG3 and PPS 3 (Housing). It constitutes a modest infill plot and is therefore suitable in principle for a more intensive form of development. The site is of modest proportions and is capable of accommodating an additional bungalow. The proposal would involve a more efficient use of land within a built up frontage, in an accessible location and would be a satisfactory form of development, which would be in keeping with the character and appearance of the surrounding area. The proposal would be appropriate in this location subject to the provisions of Policy H13, relating to general layout and design.

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The scale, design and layout of the proposal would tie in with the built form of existing dwellings in the surrounding streetscene. The new dwelling would reflect the height, bulk and appearance of the neighbouring bungalows on Tamar Avenue. It would be of a similar size footprint and sited adjacent to the existing bungalow at No. 20. I am satisfied that it would be wholly in keeping with the suburban character of the locality.

A high quality living environment would be formed from this layout and the amenities and privacy of the surrounding residential properties would be largely preserved. Semi-detached dwellings on Woodlands Road to the east of the site would be at least 28 metres from the proposed bungalow and as such the normal distance requirements between habitable room windows would be more than adequately be achieved. The dormer openings in the rear elevation would be about 30 metres from the rear of 73 and 75 Woodlands Road. The potential overlooking of these properties would therefore be limited. The nearby dwellings on Elm Grove are elevated above the site and are at least 15 metres distant from the side boundary. Adjacent bungalows on Tamar Avenue would also not be unduly adversely affected in terms of loss of privacy or massing. In general the living conditions of nearby properties would not be unreasonably affected by the development.

In terms of access, the existing driveway to No. 20 would be extended to form a separate parking area for the new dwelling. This would be served off the turning head and no highway objections have been raised to this arrangement. The likely traffic generation from a 2 bedroom bungalow would be very limited and should not result in undue conflict with existing residential properties in Tamar Avenue. Off street parking provision would be formed for both existing and the proposed dwelling and overall this proposal would not compromise traffic flows in the local area.

11. Recommended decision and summary of reasons:

11.1 To grant 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 and all other material considerations as indicated in 9 above and would be an appropriate form of residential development, which would be in keeping with the character and appearance of the local streetscene and would create a satisfactory living environment.

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11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 19 (means of enclosure)
3. Standard condition 38 (drainage and sewage)
4. Standard condition 30 (hardsurfacing)

5. The construction of the dwelling 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 the approved dwelling is occupied.

6. The vehicle access and parking facilities shall be formed in accordance with details of layout and construction to be submitted to and approved in writing by the Local Planning Authority.

11.4 Reasons

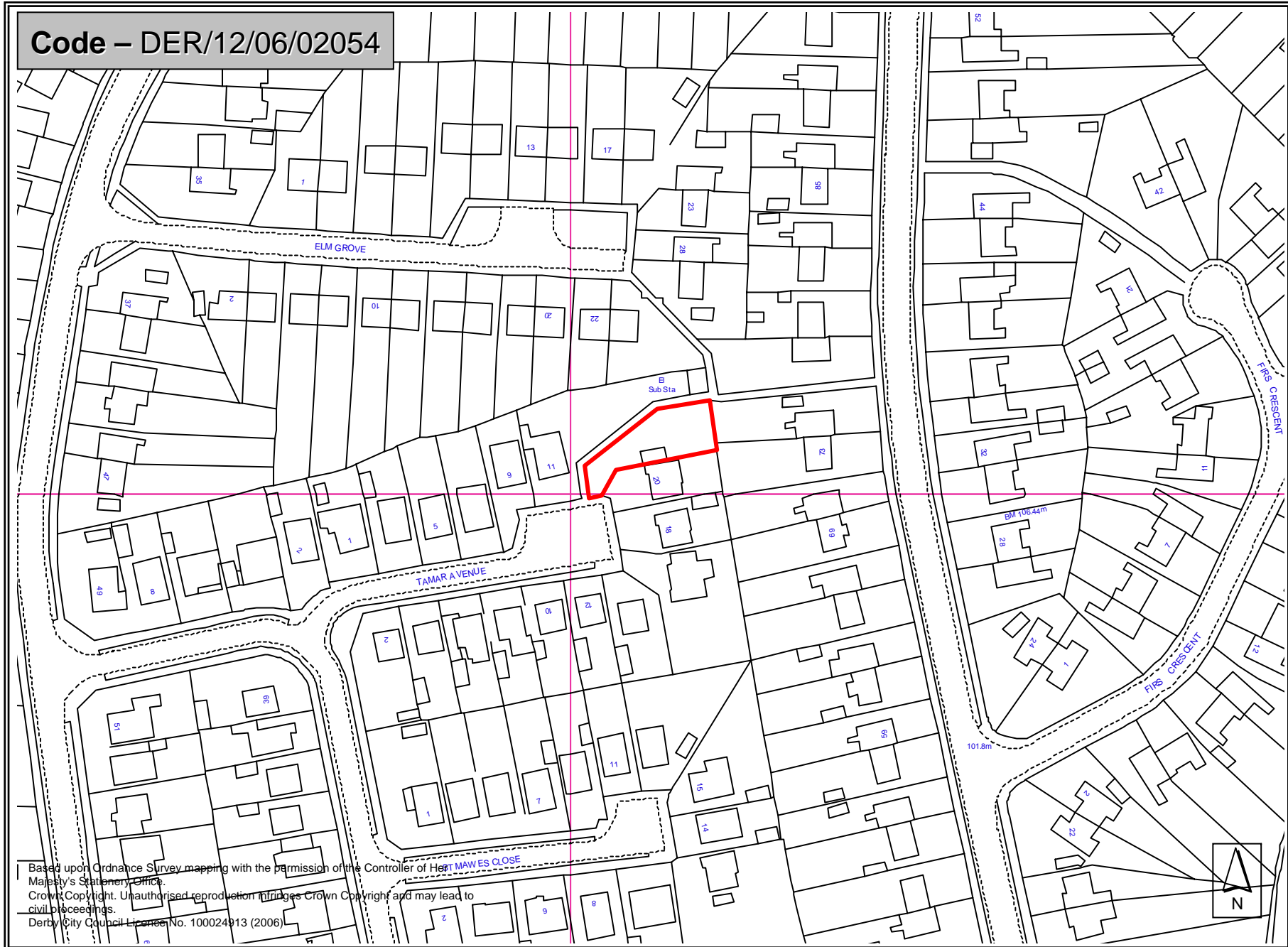
1. Standard reason E14policies H13 and E23
2. Standard reason E14policies H13 and E23
3. Standard reason E21
4. Standard reason E21....policy H13

5. 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 policy E10 of the adopted City of Derby Local Plan Review.

6. Standard reason E17policy T4

11.5 S106 requirements where appropriate: None.

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3 Code No: DER/10/06/01576

Type: Full

1. **Address:** 22 Whistlestop Close, Mickleover
2. **Proposal:** Extensions to dwelling house (family room, wc, bedroom, en-suite and dressing room)
3. **Description:** This application relates to a modern detached dwelling located at the end of Whistlestop Close. The dwelling sits on a rectangular shaped plot, close up to its eastern boundary. It accommodates garden space to its front, side and rear. The property already accommodates a detached double garage which sits forward of the dwelling, in the front garden area. A bank of mature trees extends along the sites western boundary and they are protected by tree preservation order No. 172 which is a woodland order.

Planning permission is sought for a two storey extension to the side of the dwelling. It would accommodate a family room at ground floor level and a bedroom, en-suite and dressing room at first floor level. The extension would measure approximately 4.8m in width, 9.5m in depth and would accommodate a gabled roof line. The application also proposes the demolition of the existing garage and the construction of a new one of the same size and design, close up to the sites south-western boundary. The double garage would measure approximately 5.5m in width and 5.5m in length and would accommodate a hipped roof.

4. **Relevant Planning History:** DER/05/06/768 Extension to dwelling house (family room, wc, bedroom, en-suite and dressing room) and erection of garage – refused on the grounds of proximity to TPO trees.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The design of the extensions are in keeping with the style of the existing property and I do not consider that they would compromise the character of the original house. There are, in my opinion, no community safety implications to consider.
 - 5.3 **Highways:** Adequate vehicle parking space would be maintained.
 - 5.4 **Disabled People's Access:** Not applicable.
 - 5.5 **Other Environmental:** The proposed extension would bring the resulting dwelling into close proximity with the TPO trees which dominate this sites western boundary. The width of the proposed extension has been reduced from the previous application submitted for

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this site in order that the extension would not project into the tree root protection area. The views of the Arboricultural Officer are detailed in section 8 of this report.

6. **Publicity:**

Neighbour Notification letter	4	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** Seven letters of objection have been received in response to this application. Objectors to the application express concerns about:

- Loss of trees
- The impact upon local wildlife
- Development in this area effecting a culvert resulting in possible flooding and future problems with access to the drain
- Loss of privacy for neighbouring residents.

Any additional letters of objection that are received will be made available in the Members rooms and reported orally.

8. **Consultations:**

DCommS (Arboriculture) – raises no objections to the proposed two storey side extension and the specification for protection of the root area as detailed in the submitted tree survey. However, concerns are expressed with regards to the siting of the garage and the removal of a group of semi mature Ash trees as indicated in the tree survey. It is acknowledged that the group of Ash trees contain a lot of ivy but their removal would provide a physical break within an established mature belt of trees of which this group is a part.

Severn Trent Water – to be reported.

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

- GD2 - Protection of the environment
- GD5 - Amenity
- GD8 - Infrastructure
- H16 - Housing extensions
- E23 - Design
- E7 - Protection of habitats

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- E9 - Trees
- T4 - Access, parking, servicing

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

- 10. Officer Opinion:** In design terms, I consider the proposed two storey extension offers a reasonable addition to this modern dwelling. Its scale and features would compliment the existing property and I do not consider it would appear out of place in this residential context. The mass of the extension would sit to the side of the dwelling, away from neighbouring property on Whistestop Close and a reasonable distance from the dwellings to the west on Fairbourne Drive. I do not consider there are any massing implications to consider in this case. Amendments to the application have been sought and side facing bedroom windows at first floor level have been removed in order that the proposal offers no perceived overlooking of neighbouring dwellings to the west.

The property already accommodates a detached garage in its front garden and its demolition and erection of a new garage further back into the site would bring it in closer proximity to the boundaries that the site shares with 31 Whistlestop Close. However, I do not consider it would offer unreasonable massing or overshadowing of that neighbouring dwelling. The garage detailed in the application is also proposed to be of the same style and design as the one it is to replace and I could not offer objections to the garage on design grounds.

The presence of a culvert which crosses this site has been raised as a concern by objectors to this application. It is my understanding that the culvert feeds into Eggington Brook which extends to the north of the site. Any changes or alterations to the culvert deemed necessary or problems encountered during construction would need to be resolved by the land owners and it is not possible to justify a refusal of planning permission based on the drains position on site. Although changes to underground services do not need planning permission in themselves, any future changes to the existing drainage that may be deemed necessary may have implications for the roots of the protected mature trees. Should planning permission be granted for this development, it is therefore considered appropriate that a condition be attached which requires the details of any service runs to be submitted and approved by the City Council, prior to any works on site commencing.

It is clear from the letters of objection that have been received in response to this application, that the mature trees which bound this and neighbouring sites are valued by local residents and the majority of the

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objections raised relate to the implications of the proposals for the protected trees. The width of the two storey extension has been reduced from that proposed in the previous application due to conflict between the siting of the extension and the root protection area of the adjacent trees. A tree survey accompanied this application and it indicates that some pruning works to two Ash trees would be needed in order to offer clearance between the canopy of the trees and the proposed two storey extension. However, the side extension would fall outside of the necessary root protection area. The Arboricultural Officer has confirmed that he does not object to the footprint of the extension or the specification for the root protection area detailed in the survey. Subject to the imposition of a condition requiring the installation of the necessary protective fencing around the trees during construction, I am therefore satisfied that the side extension should not compromise the future retention of the three mature ash trees.

The tree survey also suggests that a group of semi mature Ash trees which sit towards the south west corner of the site are of limited quality and value and should be removed. Their removal would allow sufficient clearance on site for the detached garage to be relocated. I share the Arboricultural Officers concern in relation to this element of the scheme that the removal of this group of trees would leave a physical gap in an established mature belt of trees. I therefore consider that the re-siting of the garage and subsequent need for the removal of those trees is likely to compromise the existing amenities of the area and is unacceptable. Should planning permission for this proposal be granted, it is therefore recommended that a condition be attached, removing the detached garage from the scheme.

Subject to the imposition of appropriate conditions as indicated above, I consider that planning permission can be granted for this development without significant harm being caused to the residential and visual amenities of the area.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated at 9. above and the siting, design, street-scene and massing impact of the proposed development is considered to be acceptable in this location.

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11.3 Conditions

1. This permission relates to the application as amended by the revised site location plan received 24 January 2007 and the revised drawings received 6 February 2007.
2. Notwithstanding the details on the approved plans, this permission does not extend to include permission for the erection of the detached garage.
3. Standard condition 27 (materials)
4. Standard condition 24A (vegetation – protection incl. overhanging)
5. Standard condition 51 (service runs and trees)
6. No development shall commence until a scheme including the timing for the provision of surface water drainage works and foul water drainage provision has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of Sustainable Drainage features unless otherwise agreed in writing by the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any Order revoking or re-enacting that order, no windows other than the en-suite bathroom window detailed on the approved plans shall be inserted into the side elevation of the extension above ground floor level.

11.4 Reasons

1. Standard reason E04
2. The application fails to demonstrate that the detached garage can be re-sited without the need to remove a group of semi mature Ash trees that are protected by a Tree Preservation Order. The group of trees are part of a mature established group of trees which contribute significantly to the visual amenity of the surrounding area. Accordingly, their loss would significantly and adversely affect the amenity of the street scene and local environment generally. Accordingly, the re-siting of the garage would be contrary to policies GD2 and E9 of the adopted City of Derby Local Plan Review.
3. Standard reason E14 ... policies H16 and E23
4. Standard reason E24 ... policy E9
5. Standard reason E29 ... policies E9 and GD2

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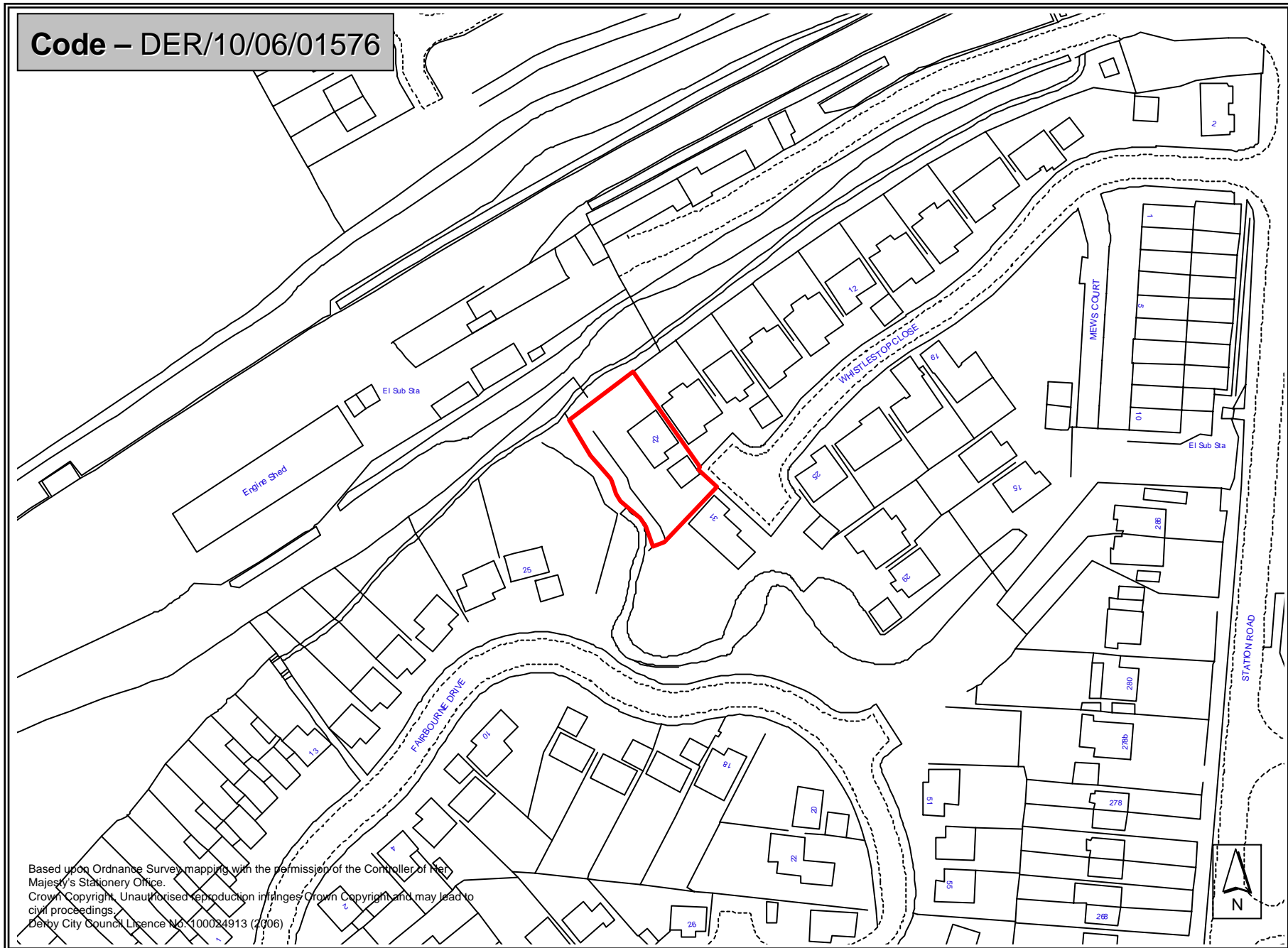
3 Code No: DER/10/06/01576

6. Standard reason E21 ... policy GD8

7. To protect the amenity and privacy of neighbouring
occupiers....policy H16

11.5 S106 requirements where appropriate: None

Code – DER/10/06/01576



B1 APPLICATIONS (cont'd)

4 Code No: DER/12/06/02014

Type: Full

1. **Address:** Plot 55, Quarndon Heights, Allestree
2. **Proposal:** Erection of dwelling
3. **Description:** This application relates to a further residential plot on the Quarndon Heights development off Kedleston Road, Allestree. The plot is part of a larger site which has the benefit of outline permission for residential development, granted in 2005. The current proposal for plot 55, is concerned with a single residential plot at the northern end of the development to the west of the access road. The development so far, comprises of detached dwellings and bungalows of individual design and scale. To the west of the site are traditional semi-detached dwellings on Kedleston Road, which have long narrow gardens. Part of plot 55 appears to still be in garden use as the rear curtilage of No.490 Kedleston Road. The land levels fall considerably across the site from east to west towards the existing properties on Kedleston Road.

It is proposed to erect a 5 bedroom detached dwelling on this plot, with an integral double garage. It would be a two storey dwelling, with additional accommodation in the roofspace. There would be 3 dormer openings in the rear roofslope. The footprint would be 12.8 metres wide and up to 19 metres deep. The dwelling would have a half hipped roofline and be 9.5 metres high. The design and form of the dwelling would reflect that of the adjacent dwelling at Plot 56 and it would mirror this proposal in terms of layout. There are 3 off street parking spaces proposed to the front of the dwelling.

4. Relevant Planning History:

DER/1204/2202 – Outline permission for residential development, Granted – March 2005.

DER/305/440 – Erection of dwelling, Plot 56, Granted – June 2005.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: The proposed dwelling would be of domestic scale and individual design, which would fit in with the character and appearance of the surrounding residential area. There would be no adverse community safety implications.

5.3 Highways: The proposed dwelling would have adequate vehicle standing space and there are no objections raised.

B1 APPLICATIONS (cont'd)

4 Code No: DER/12/06/02014

5.4 Disabled People's Access: The proposed dwelling will have a degree of accessibility through compliance with Building Regulations.

5.5 Other Environmental: There are two mature trees, including a conifer towards the northern boundary of the site, within the existing rear garden of No. 490. They are prominent trees from the Quarndon Heights development and have visual amenity value. A Tree Preservation Order has been made for these trees, due to their appearance and contribution to the streetscene. However, they are not considered to be in a good condition in arboricultural terms.

6. Publicity:

Neighbour Notification letter	4	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

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

- The proposed development would result in a significant loss of privacy and have overbearing impact on nearby dwellings on Kedleston Road, due to its elevated position and size
- The trees planted to the rear of Plot 56 do not provide adequate screening
- The dwelling would be excessive in scale and unduly dominant from neighbouring properties
- Two large trees on the site would be felled to build the development
- The proposal would result in unacceptable light pollution in the local area.

8. **Consultations:** EnvS (Arboricultural) – The trees on site have some visual amenity, although they are not in a good condition. No objections to giving permission, subject to condition for replacement planting in a suitable location.

9. **Summary of policies most relevant:** Relevant adopted CDLPR policies:

B1 APPLICATIONS (cont'd)

4 Code No: DER/12/06/02014

- GD5 - Amenity
- H13 - Residential development – general criteria
- E10 - Renewable energy
- E23 - Design
- T4 - Access and parking
- E9 - Trees

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

- 10. Officer Opinion:** The proposed residential development in this location is considered to be acceptable in principle and already has the benefit of outline permission, granted in 2005. A detached dwelling on this plot would be similar in appearance and scale to the existing dwelling on the adjacent site at Plot 56. The overall size of the plot would also be similar. The proposed dwelling would be of traditional style and at the rear it would be stepped into the sloping ground. In design and layout the development would reflect the form and scale of nearby dwellings on Quarndon Heights and would appear in keeping with the character and suburban context of the surrounding area.

The main impact of the development on residential amenities would be on the semi-detached properties to the west of the site, on Kedleston Road. This proposal would have a similar relationship with these properties to the adjacent dwelling on Plot 56, due to its similar layout and window arrangement on the rear elevation. The plot is elevated up to 2 metres above the dwellings on Kedleston Road and as such the new dwelling would be at a higher floor level. It would have a somewhat imposing appearance from the existing dwellings, although the proposed siting would more than meet the normal distance standards for privacy. The ground floor projection would be a minimum of about 30 metres from the nearest dwellings and the first floor dormer windows would be at least 36 metres away. As such the potential loss of privacy to neighbouring dwellings would not be unreasonable. At this distance the massing effect and scale of the proposal would not be unduly oppressive on the nearby residents. Overall the living conditions of existing properties would not be unduly harmed by the proposed dwelling.

There are two mature trees, an Ash and a Spruce on the existing rear curtilage of No. 490 Kedleston Road, which form part of the plot. They are positioned close to the access road and are prominent in the local streetscene. On the basis of their considerable amenity value, they were made the subject a Tree Preservation Order. Due to their proximity to the proposed building, the siting and layout of the dwelling would result in significant damage and probable felling of both trees.

B1 APPLICATIONS (cont'd)

4 Code No: DER/12/06/02014

Closer examination of the trees, since the TPO was made, has shown that they are both of inferior quality. The trees are planted close together and the conifer is suppressed by the Ash, which is in turn considered to be in poor health. Although they make a positive contribution as a group, to the appearance of this residential area, if one is removed then the other would have a limited interest in terms of visual amenity. Following advice from the Council's Arboricultural Officer, I am of the opinion that the merits of the trees are not sufficient to justify refusal of this scheme. Although the development would be severely detrimental to the long term retention of the trees, it would not be reasonable in the circumstances to require a significant change to the design and layout of the scheme, in order to preserve them.

In conclusion, the proposed dwelling on this site would accord with the provisions of Policy H13 and E23 of the Local Plan. Residential amenities in the local area would also not be unduly harmed. Replacement trees, of a good quality would be sought as part of the landscaping scheme, to mitigate for the loss of the existing trees.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission subject to conditions.

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

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 19 (means of enclosure)
3. Standard condition 38 (drainage and sewage)
4. Standard condition 30 (hardsurfacing)
5. Standard condition 20 (landscaping scheme)
6. Standard condition 22 (landscaping maintenance)

7. The details of planting required by Condition 5 shall include provision for a group of standard trees to be sited close to the west boundary of the development and a replacement tree for the front garden of the plot.

8. All glazing on the north and south elevations of the dwelling shall be of obscured glass and retained as such at all times.

B1 APPLICATIONS (cont'd)

4 Code No: DER/12/06/02014

9. Detailed plans showing the finished floor levels for the development in relation to the surrounding ground levels shall be submitted to and approved in writing by the Local Planning Authority before development commences and development shall be carried out in accordance with such plans.
10. The construction of the dwelling 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 the approved dwelling is occupied.

11.4 Reasons

1. Standard reason E14 ... Policy H13 & E23
2. Standard reason E14 ... Policy H13 & E23
3. Standard reason E21
4. Standard reason E21 ... Policy T4
5. Standard reason E09 ... Policy E23
6. Standard reason E09 ... Policy E23
7. To protect the amenities and privacy of nearby residential properties and to replace existing trees in the interests of visual amenity ... Policy E9
8. Standard reason E07 ... H13
9. Standard reason E09 ... E23
10. 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 policy E10 of the adopted City of Derby Local Plan Review.

11.5 S106 requirements where appropriate: None.

Code – DER/12/06/02014

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B1 APPLICATIONS (cont'd)

5 Code No: DER/10/06/01662

Type: Reserved
Matters

1. **Address:** Bristol Street Motors, Mark Pritchard Motors Limited, Alfreton Road
2. **Proposal:** Erection of nine dwelling houses and 116 apartments and formation of access road
3. **Description:** Reserved matters consent is sought to redevelop this car showroom site for residential purposes. The site is located on the western side of Alfreton Road, directly to the north of the Little Chester Conservation Area. It is approximately 0.86 ha in size and the site frontage is approximately 146m long. The site currently accommodates a series of buildings related to the car showroom use and external display areas.

Darley Playing fields lie to the west of the site. There are several trees that overhang the site along the boundary of the playing fields. Residential properties lie to the south, which primarily comprise two storey Victorian terraced dwellings and various industrial premises lie to the north and east. The site is within the World Heritage Site Buffer Zone and Archaeological Alert area.

The proposed residential development would have a density of 147 units per ha. Specifically the proposal would create 125 units as follows:

9 No. four bedroom dwelling houses
102 No. two bedroom apartments
14 No. one bedroom apartments

The development would involve the erection of 3 and 4 storey blocks arranged around a parking court. It would be served off a single access road onto Alfreton Road, which would be in a central position, with a footpath link onto Darley Fields. The small group of 3 storey townhouses would be clustered around the southern end of the site. They would have private amenity space and detached garages. The scheme has been amended to address highway and design issues. The proposed built form would form a continuous frontage along Alfreton Road and in elevational treatment, takes reference from the 19th Century industrial buildings, found in Chester Green. They would be faced in red brick with steeply pitched tiled rooflines, and use vertically proportioned window arrangements and modest dormer extensions in the roof. To the main entrance, four of the apartment blocks would include three storey hexagonal corner features to reflect the appearance of the Aida office building on City Road.

B1 APPLICATIONS (cont'd)

5 Code No: DER/10/06/01662

Car parking would be provided at 100% and cycle sheds would be sited close to each of the apartment blocks.

The necessary Assessments and Statements, including Archaeological, Drainage, Design and Access and Transport Assessments accompany the application.

- 4. Relevant Planning History:** DER/202/195 – Outline permission was granted for Residential Development of the site. It was resolved to grant permission for the development at the Committee meeting of April 2002. However the necessary Section 106 Agreement was only recently signed and the decision subsequently issued in July 2006.

DER/12/06/01957 – For variation of condition 9 of outline planning permission (building near flood defence/watercourse) – Environment Agency agreed to the proposed siting of buildings on basis that it would not undermine access to flood defences. Permission granted – January 2007.

There is no other relevant planning history. Previous applications principally relate to the incremental development of the car showroom.

5. Implications of Proposal:

- 5.1 Economic:** The principle of residential development is established under the Outline permission. I raise no objections to the loss of employment land.

- 5.2 Design and Community Safety:** The amended scheme would give a terraced appearance along Alfreton Road and in scale, materials and form the development would tie in successfully with the local urban context. The design and form of the buildings would reflect the traditional character of period dwellings and industrial buildings in the Conservation Area. The scheme would relate well to the street frontage and provide substantial visual interest in this semi-industrial area. The building form facing onto the park, would have a satisfactory relationship with the public open space. The proposed layout would enable good levels of surveillance around the development and there would be secure points of access into the site. Community safety in the local area would not be undermined.

- 5.3 Highways:** The amended layout has addressed the highway concerns raised by the original scheme. These include:

- The provision of a footway on both sides of the access road

B1 **APPLICATIONS** (cont'd)

5 **Code No:** DER/10/06/01662

- The issue of access for service and emergency vehicles would be suitably addressed, by construction of the access and courtyard to adoptable standards
- Appropriate siting and amount of cycle and motor cycle parking would be provided
- The existing access at the southern end of the frontage should be reinstated as footway to the satisfaction of the City Council.

5.4 **Disabled People's Access:** Twelve Lifetime homes are required to be integrated through the development.

5.5 **Other Environmental:** None.

6. **Publicity:**

Neighbour Notification letter	41	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	*
Other			

7. **Representations:** To date, 15 letters of objection have been received and two letters of comment. Copies will be available in the Members' Room. The objections make comments on the following:

- archaeology
- traffic and parking
- public access to the footpath across the site
- impact of high density development upon the character of Chester Green
- the need for larger family housing in the area
- proper screening of the development and landscaping should be required
- height of the proposed buildings
- design and appearance of development
- flood risk
- length of time for consultation
- impact upon residential amenities at existing properties

8. **Consultations:**

B1 APPLICATIONS (cont'd)

5 Code No: DER/10/06/01662

DCC Archaeologist – conditions 3 and 4 of the outline permission require that an archaeological study take place and findings be recorded in accordance with a scheme of work to be agreed with the City Council. The Council's archaeologist has reiterated the importance of ensuring that a phase of field evaluation takes place. It is envisaged that the evaluation would consist of the excavation of a number of evaluation trenches and that work should be undertaken by a suitably qualified and experienced archaeological contractor. The contractor should submit a written scheme of investigation for approval prior to work commencing and the works shall be carried out in accordance with these agreed details, including provision of an evaluation report and recommendations for construction. Conditions are attached to the outline permission requiring a scheme of archaeological work to be undertaken.

Env Services (trees) – no objections subject to proper protection, to BS 5837:2005 standards of trees to be retained. A plan showing the calculated Root Protection areas, in accordance with the BS standards should be submitted to show the relevant areas requiring protection. This should include trees on and off the site.

Env Services (health) – no objections in principle. Recommend a condition requiring noise and contamination investigative studies. But as these were not raised at the outline stage they cannot be included now.

Environment Agency – Conditions 8 and 9, relating to drainage and flood defences of the outline permission are satisfied.

Police (ALO) – Overall the design and layout would have good active surveillance, with a strong building form fronting the central access and footpath link. The proposed demarcation walls defining the private residents areas, should be at least 1.8 metres high, with railings and wall treatment. The boundary fence along the northern boundary should be a robust 2 metre high mesh to provide appropriate security. The public route through the centre of the development should be delineated with different surface materials and the main entrance highlighted with psychological barriers, such as pillars. The landscaping should not restrict surveillance of this route or encourage congregation.

Cityscape – main concern is to ensure that the development has a strong street frontage with a rhythm of front doors. This is an important route into the city centre and the originally submitted plans do not satisfactorily address this. Amended scheme is much improved, although treatment of the window openings should be handled carefully.

B1 APPLICATIONS (cont'd)

5 Code No: DER/10/06/01662

Env Services (Parks) – awaited.

CAAC – Comment on the amended scheme and object on the grounds that the proposal is of an indifferent and bland design, which has neither architectural flair or faithful interpretation of local vernacular/detail and is of inappropriate scale. It would be out of keeping with the appearance of the streetscene and the open space to the rear. The proposal is of insufficient design quality for this site, within the World Heritage Buffer Zone and would have a detrimental impact on the setting of Little Chester Conservation Area. It was also considered that there were archaeological issues that would need to be resolved prior to determination.

Severn Trent – no objections. Submitted drainage details are considered to be satisfactory, as such the drainage conditions on the outline permission are satisfied.

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

- GD2 - Protection of the environment
- GD3 - Flood protection
- GD4 - Design and the Urban Environment
- GD5 - Amenity
- H13 - Residential Development – General Criteria
- EP11 - Development in existing business and industrial areas
- E10 - Renewable Energy
- E18 - Conservation Areas
- E21 - Archaeology
- E23 - Design
- E24 - Community Safety
- E9 - Trees
- E29 - Protection of World Heritage Site and Surroundings
- L2 - Public Open Space
- L3 - Public Open Space requirements in new developments
- T4 - Access, Parking and Servicing
- T6 - Provision for Pedestrians

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

- 10. Officer Opinion:** The principle of residential development on this site is accepted and has been established already by the extant outline permission, which was granted in 2006. This application seeks approval of the reserved matters and would involve a high density residential scheme, comprising apartments and dwellings. The proposal would meet the objectives of PPG 3 and PPS 3 (Housing),

B1 APPLICATIONS (cont'd)

5 Code No: DER/10/06/01662

amounting to a more efficient use of land in a main road location, well connected to the city centre. In general the development would accord with Policy H13 of the Local Plan. The main issues raised by this scheme are related to the design and scale of the development and its impact on the setting of the nearby Conservation Area and World Heritage Buffer Zone.

The proposed layout would form a strong street frontage both onto Alfreton Road and facing onto Darley Fields. It would be arranged around a single access point and a landscaped parking area in the centre of the development. Much of the car parking would be hidden from public view, with the exception of the area along the northern boundary. The building height and scale would be 3 storey rising to 4 storey towards the industrial estate and would be larger than the existing two storey properties to the southern end of the site. However the overall massing and scale would not be out of keeping with the general form and height of the built form in the surrounding streetscene. The design and elevational treatment has been amended to better reflect the form and appearance of traditional buildings in the Little Chester area. Detailing of the development, including window design, addition of chimneys and dormers would add local distinctiveness to the scheme and enhance its visual interest in the local area. The corner features to the apartment buildings signify the entrance to the scheme and are good quality elements of design in their own right. Private entrances onto Alfreton Road would be formed to some ground floor flats and townhouses. These would be stepped due to the raised floor levels, required to minimise flood risk. These would provide an active frontage onto the street, to encourage greater pedestrian activity on this stretch of Alfreton Road. Overall I am satisfied that the design and layout of the development is of sufficient quality to preserve the setting of the nearby Conservation Area and would not detract from the visual qualities of the World Heritage Buffer Zone. Reference has been taken from other developments and traditional buildings in Chester Green and the use of natural materials is proposed, which would successfully tie the scheme in with the existing streetscape.

The residential amenities of the nearest terraced dwellings at the southern end of Alfreton Road would not be unreasonably affected by the proposed development. They would face towards the 3 storey townhouses at the southern edge of the site at a distance of 19 metres. Although there would be some overlooking due to the relative proximity of the built form up to the street frontage, there would not be undue loss of privacy as a result. The massing effect on these residential properties from the 3 storey part of the scheme would also not be overbearing. There are no other dwellings in the locality, which would

B1 APPLICATIONS (cont'd)

5 Code No: DER/10/06/01662

be directly adversely affected by this development. Overall a high quality living environment would be created by this scheme. The normal standards of amenity and privacy would be achieved within the development. The parking and circulation space to be provided would be landscaped and laid out to create an attractive and pedestrian friendly environment for the occupants.

The proposed access and parking layout has been amended to provide suitable servicing and turning facilities and cycle parking. The proposal would satisfy the Council's highway requirements.

I note objectors comments about consultation. However, I can advise that the application has been advertised in accordance with the City Council's agreed protocol for notifying neighbours and interested parties. I understand that prior to submitting the planning application the applicant's consultants did approach Ward Members with a view to discussing local views and consultation, separately from the consultation carried out by the City Council. I am advised that this approach did not result in a meeting with Ward Members. Notwithstanding this, since the application was lodged, the applicant's consultants have written again to Ward Members and to the Residents Group to seek to further discussions. I have also advised the Residents Group that whilst the period for consultation will not be formally extended, in practice, comments will be accepted up until 5pm the Monday prior to the application being heard at Planning Control Committee.

A Section 106 Agreement was completed in respect to the outline permission to secure contributions towards off-site public open space and affordable housing. No further contributions are required to be provided under the reserved matters approval.

11. Recommended decision and summary of reasons:

11.1 A. To grant approval of reserved matters subject to conditions.

B. To remind the applicant of their responsibility to proceed in accordance with the requirements of the conditions to the outline permission, DER/202/195.

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

B1 APPLICATIONS (cont'd)

5 Code No: DER/10/06/01662

the local streetscene and preserve the setting of the Little Chester Conservation Area.

11.3 Conditions

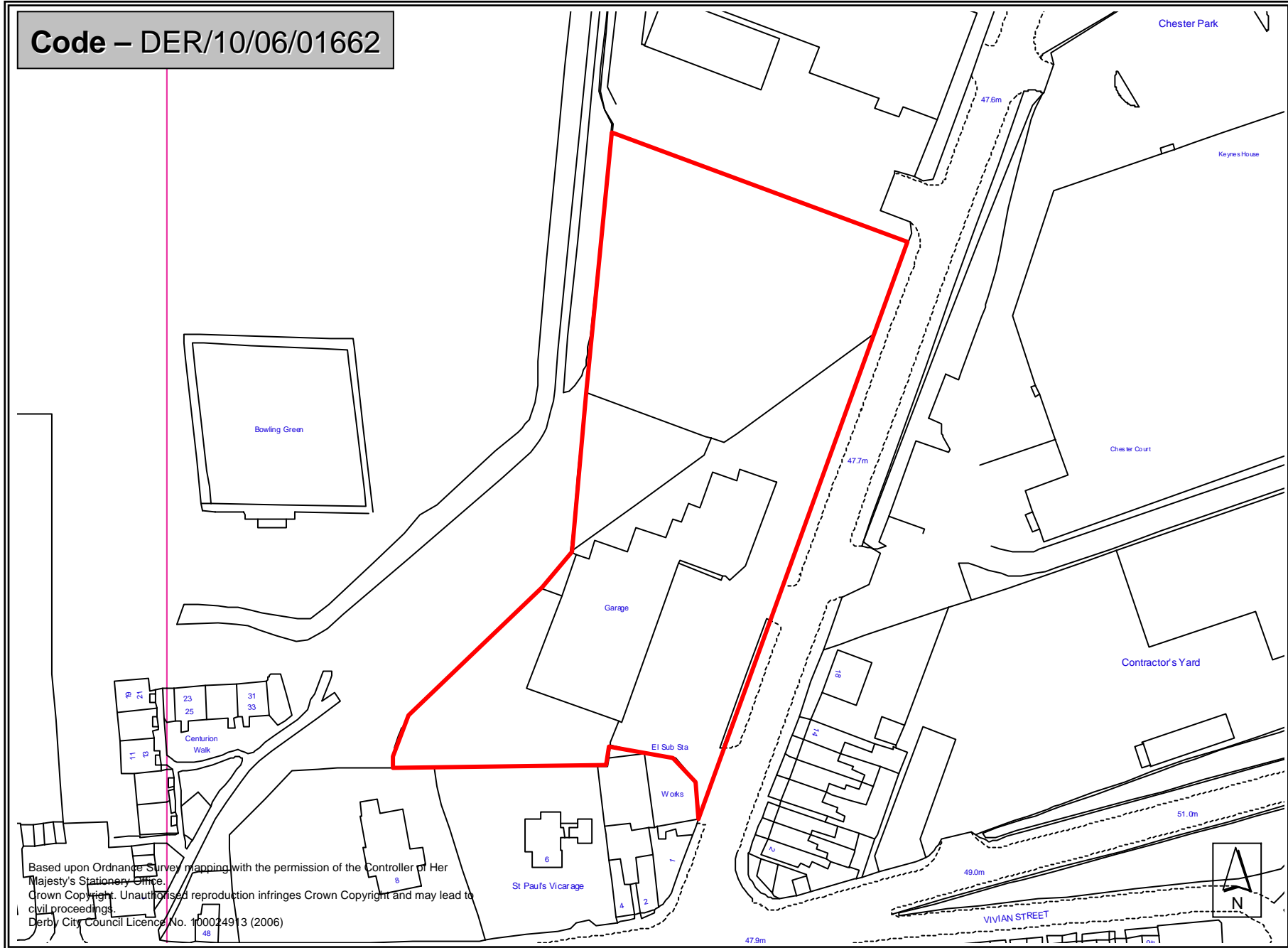
1. Standard condition 09A (amended plans – received 13 February 2007)
2. Standard condition 27 (materials)
3. Standard condition 19 (boundary treatments)
4. Standard condition 24A (new version, including BS 2005)
5. Standard condition 94 (cycle/motor cycle parking)
6. Before development commences, precise details of the window design and material, including joinery, depths of reveal and cross sections, to a scale of 1:10 and 1:20 shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with such approved details.
7. All existing vehicular access to the site made redundant as a result of the proposal shall be returned to footway specification in accordance with precise details to be submitted and approved in writing by the Local Planning Authority. the agreed scheme shall be implemented in its entirety within 6 months of the development, hereby approved, being commenced.

11.4 Reasons

1. Standard reason E04
2. Standard reason E14 ... Policy E23
3. Standard reason E14 ... Policy E23
4. Standard reason E11 ... Policy E9
5. Standard reason E35 ... Policy T4
6. Insufficient detail has been submitted to ensure that the elevational treatment would be of a high quality to be in keeping with the character and appearance of the local streetscene ...Policy E23
7. To minimise inconvenience to pedestrians and other users of the highway ... Policy T4, T6.

11.5 S106 requirements where appropriate: None.

Code – DER/10/06/01662



B1 APPLICATIONS (cont'd)

6 Code No: DER/12/06/02068

Type: Full

1. **Address:** 3 Margaret Street
2. **Proposal:** Formation of rooms in roof space (bedroom and en-suite) and dormer
3. **Description:** This application relates to a detached Victorian two storey dwelling on Margaret Street. It is one of a pair of detached properties sited close to the junction with North Parade. It lies within the Strutts Park Conservation Area in an area characterised by traditional two storey terraced dwellings. The land to the rear is former railway and is currently vacant.

This is a revised proposal for the formation of rooms in the roofspace, by insertion of a dormer extension in the rear elevation. It would form a bedroom and en-suite, with 2 rooflights to be inserted in the front roofslope. The previous scheme for a larger dormer was withdrawn, following objections raised by the Conservation Area Advisory Committee. The proposed dormer extension would be sited on the rear of the main roof and would have a hipped roofline. It would be about 2 metres wide and 1.8 metres high to the eaves and the ridge appears to be slightly lower than the main ridgeline of the dwelling.

4. **Relevant Planning History:** DER/106/00187 – Formation of rooms in roofspace and insertion of dormer, withdrawn – March 2006
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The proposed extension and alterations to roofslope would be slightly visible from the street but would be in proportion with the scale and form of the dwelling. They would be in keeping with the character of the dwelling and with the appearance and character of the streetscene, having little impact on the character of the conservation area. There are no adverse community safety implications.
 - 5.3 **Highways:** None.
 - 5.4 **Disabled People's Access:** Not applicable.
 - 5.5 **Other Environmental:** None.

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/06/02068

6. Publicity:

Neighbour Notification letter	4	Site Notice	
Statutory press advert and site notice	*	Discretionary press advert and site notice	
Other			

7. Representations: None received to date.

8. Consultations: CAAC – Object on the grounds that the scale and size of the proposed roof extension is excessive and appears as an intrusive and discordant feature in the roofscape. The proposed installation of rooflights in the front elevation would interrupt the continuity of the front roofslope to the detriment of the appearance and character of the Conservation Area.

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

E18 – Conservation Areas

E23 – Design

H16 – Extensions to dwellings

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

10. Officer Opinion: The proposed dormer extension to this period dwelling would be more modest in scale, bulk and height than the previous proposal, which was considered to be unduly intrusive and out of keeping with the character of the building. This extension would be more in proportion with the form and scale of the main dwelling and would not project beyond the line of the existing roofscape. Although it would be a large dormer, the existing roofline is substantial in size and it would be discretely sited at the rear of the dwelling, partially hidden by a two storey projecting gable. In terms of design and form, the dormer would have a pitched roofline and would fit in satisfactorily with the traditional appearance of the dwelling. Its overall visual impact on the local streetscene and the Conservation Area would be very limited, due to its proposed siting on the rear roofslope. It would only just be viewed from the North Parade frontage and be largely screened by the adjacent dwelling at No. 1 Margaret Street. The scale and bulk of the dormer would not therefore be much apparent from the nearby street frontage and as such its effect on the character and appearance of the Conservation Area would be minimal.

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/06/02068

The insertion of rooflights in the front roofslope of the dwelling would be the first such intrusion into the roof along this stretch of Margaret Street. Whilst the rooflights are somewhat intrusive features on the front of these period properties, they are evident elsewhere in the Conservation Area. It would therefore be unreasonable to resist their introduction on principle. However, the insertion of one rooflight on the front elevation would not have an unduly detrimental effect on the character of the dwelling or on the visual amenities of the streetscene. A restriction on the number of rooflights on the front of the dwelling, can be secured by an appropriate condition.

In conclusion, I am satisfied that the proposed extension and alterations to the roof of this Victorian dwelling, would have little impact on the appearance of the local streetscene and would therefore help to preserve the character and appearance of the Conservation Area.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons:

11.3 Conditions

1. Standard condition 27 (external materials)
2. There shall be no more than one rooflight inserted in the front roofslope of the dwelling, facing onto Margaret Street, unless otherwise agreed in writing by the Local Planning Authority details of which shall be submitted to and approved in writing by the Local Planning Authority.
3. Before work commences precise section details of the dormer extension hereby approved, to a scale of 1:10 or 1:20 shall be submitted to and approved in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E14 and because the suggested materials of fibre cement slates and pvcu window frames is considered inappropriate in the conservation area setting ... Policy E23 & E18
2. For the avoidance of doubt in the absence of suitably detailed plans and to preserve the integrity of the dwelling and protect the

B1 APPLICATIONS (cont'd)

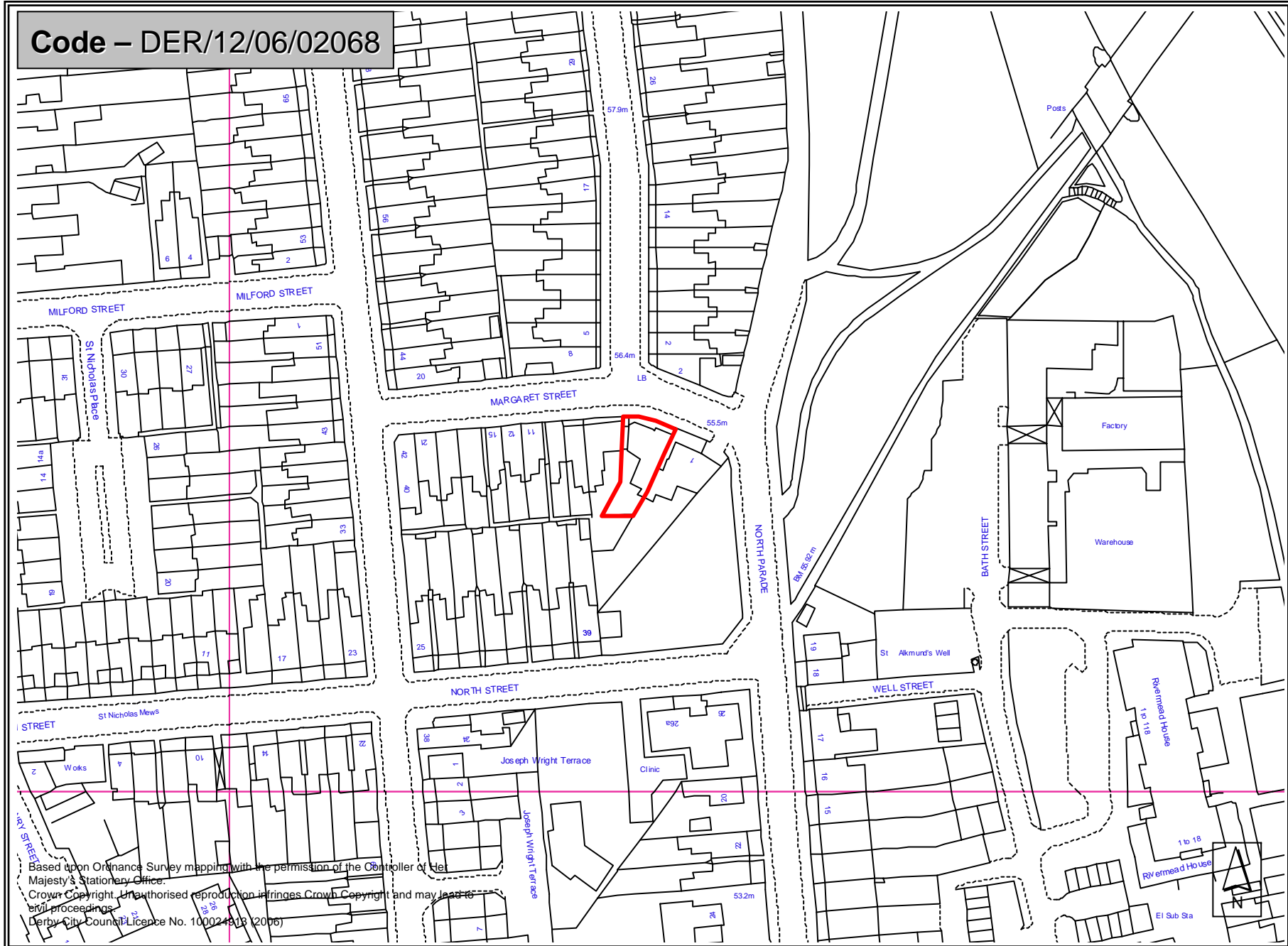
6 Code No: DER/12/06/02068

character and appearance of the Strutts Park Conservation Area ...
Policy E18

3. Standard reason E04 because section A-A is inconsistent with the side and rear elevations and to protect the character and appearance of the Strutts Park Conservation Area ... Policy E18

11.5 S106 requirements where appropriate: None.

Code – DER/12/06/02068



B1 APPLICATIONS (cont'd)**7 Code No:** DER/12/06/01963**Type:** Full

1. **Address:** 2 Langley Street, Derby (The New Zealand)
2. **Proposal:** Enclosure of land to form external drinking area and erection of fencing and umbrellas
3. **Description:** This application relates to a Public House located on the corner of Langley Street and Peel Street within a predominantly residential area of terraced housing. Full planning permission is sought for the erection of fencing and umbrellas at the rear of the property within an external drinking area. Planning permission is not required for the use of the land at the rear of the public house as an external drinking area. This application is required for the erection of the 2.3m high brick piers, and umbrellas within the enclosed area.

The rear yard is already enclosed and is at a significantly lower land level to the property on the south facing boundary due to the sloping highway. Two metre high walls sit on the south and west boundaries and a two metre high fence on the northern boundary.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** There are no design community safety issues concerning the design of the fence or the umbrellas.
 - 5.3 **Highways:** There are no overriding highways objections.
 - 5.4 **Disabled People's Access:** A ramped access from the building into the yard is proposed and this is welcomed by the access officer. The ramped access will be secured by condition.
 - 5.5 **Other Environmental:** None.
6. **Publicity:**

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

7. **Representations:** Six letters of objection have been received regarding this application. Four are from the same address. The main concerns raised were:

B1 APPLICATIONS (cont'd)

7 Code No: DER/12/06/01963

- Fear of crime
- Noise pollution
- Loss of privacy
- Increase in congestion on the roads
- Loss of amenity

8. Consultations: None.

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

- GD5 - Amenity
- E23 - Design
- T4 - access parking and servicing
- T10 - access for disabled people

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

10. Officer Opinion: In my opinion the design and siting of the proposed fence is appropriate within this location, as it is a replacement of existing fencing of a similar scale and is an improvement in terms of its overall design.

I consider that the siting of the proposed umbrellas would not be intrusive on neighbouring properties as the 2.1 m high fencing would largely prevent any overbearing effect on the adjacent properties.

Although I note residents concerns regarding the amount of noise that an external drinking area may potentially cause, there are no restrictive planning conditions governing the use of the rear yard. Any issues relating to noise levels that may arise would be addressed separately under environmental health legislation. Planning permission is not required to use this land within the curtilage of the public house for this ancillary activity.

On balance, I therefore, consider that the siting of the proposed fencing and umbrellas are generally acceptable in this context. The use of the land for an outside drinking area is an ancillary component of the Public House and not something that the City Council, as a Local Planning Authority, could reasonably object to.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

B1 APPLICATIONS (cont'd)

7 Code No: DER/12/06/01963

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 acceptable in terms of its design, siting and impact on residential amenity.

11.3 Condition

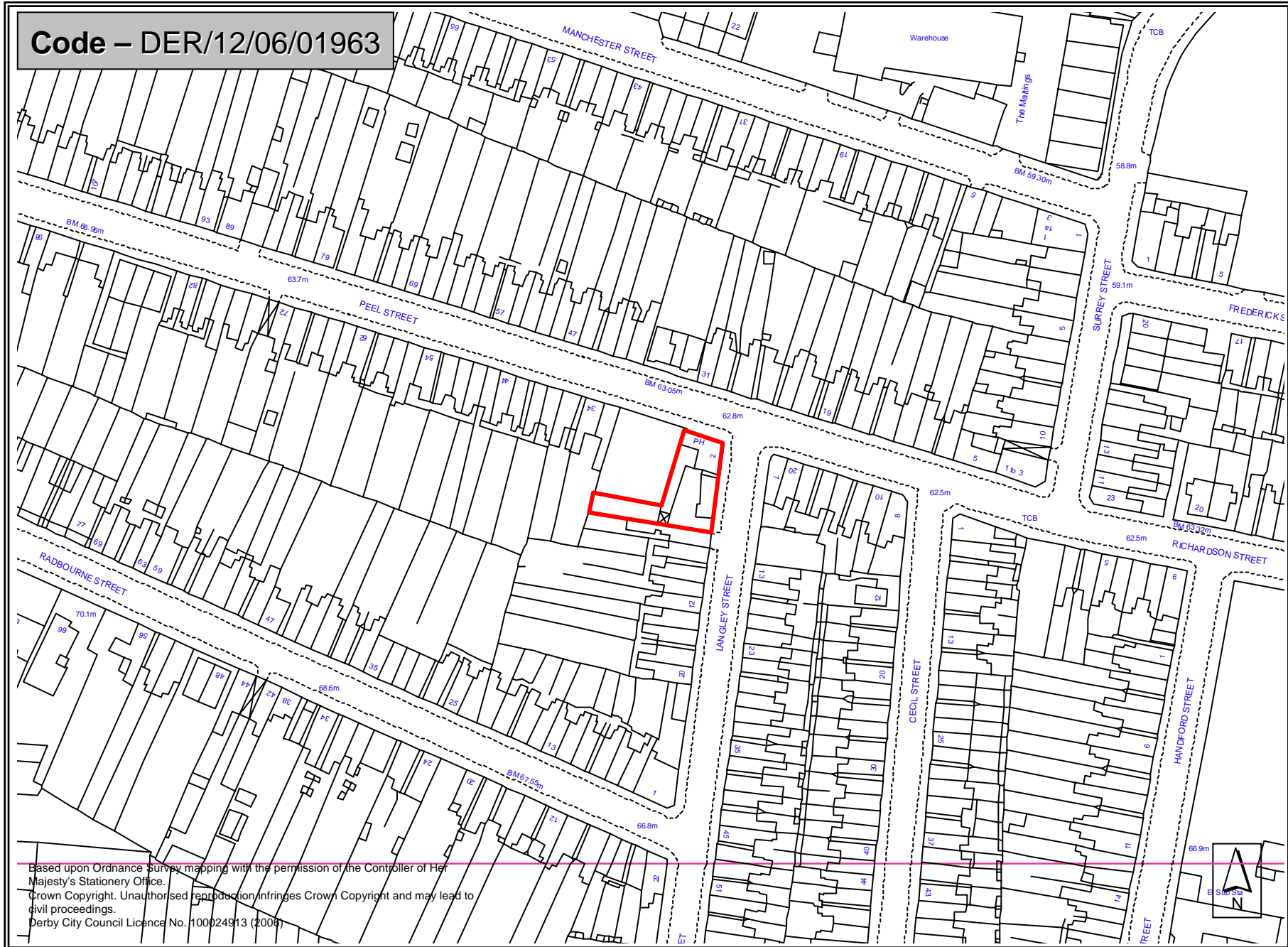
The entrance to the external drinking area shall have ramped access as detailed in drawing PL1. The gradient should not exceed 1:12 and doors shall have a minimum clear opening width of 800mm, all designed in accordance with BS 8300:2001 "Design of buildings and their approaches to meet the needs of disabled people."

11.4 Reason

To ensure that the development is accessible to disabled people ...
Policy T10.

11.5 S106 requirements where appropriate: None.

Code – DER/12/06/01963



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B1 APPLICATIONS (cont'd)

8 Code No: DER/12/06/01998

Type: Full

1. **Address:** The Orchards and The Cottage, Rowditch Place
2. **Proposal:** Erection of 21 flats and associated parking
3. **Description:** This full application, seeks permission for two three storey buildings, to provide a total of 21 flats on this site west of Rowditch Place. One to the west of the site, would provide nine units, the other, at the corner with Rowditch Place, twelve units. Vehicular/pedestrian access would be from the private road running west from Rowditch Place. A small replacement storage building would also be provided to the west of the proposed apartments again with access from the private road. A total of 21 car parking spaces would also be provided.

The physical form of the proposal is almost identical to that included in DER/07/06/01181 and DER/07/06/01182. These two applications were approved by Committee on 27 September 2006, but the Section 106 Agreement was not completed, as there were issues unresolved regarding ownership of some land.

This current application comes about due to some complications over rights of access to the private road off Rowditch Place. This has resulted in alterations to the vehicular access to the site, and the parking layout. In addition, some very minor elevational changes are also proposed. In the past there would have been dealt with as simple working amendments to the original planning permissions, but now require the submission of a fresh application. Members are advised to also refer to the original applications report that came before this Committee on 7 September 2006, which I have reproduced.

...

4. Relevant Planning History:

DER/07/06/01181 – Erection of 12 flats with associated car parking.
DER/07/06/01182 – Erection of 9 flats with associated car parking.

Committee resolved to grant permission for both applications at the 7 September 2006 meeting. The relevant Section 106 Agreement was not completed, and this current application proposes minor changes to these two approved schemes. These two applications are to be withdrawn pending determination of this application.

5. Implications of Proposal:

5.1 Economic: None.

B1 APPLICATIONS (cont'd)

8 Code No: DER/12/06/01998

5.2 Design and Community Safety: In light of the Committee decision on the two previous applications, I have no design/community safety objections to raise.

5.3 Highways: Since the time of the previous applications, the applicant has resolved the issue of ownership of the private road from Rowditch Place. The parking provision and access from Rowditch Place is acceptable and no objections are raised.

5.4 Disabled People's Access: Parking is satisfactory. It is requested that two ground floor Lifetime Home flats be provided in total. The remainder of units will have a degree of accessibility through compliance with the Building Regulations.

5.4 Other Environmental: A large Sycamore trees protected by Tree Preservation Order is very close to the south east corner of the site. Design guidance was sought from the Arboricultural Officer, regarding the relationship of the proposed building to the tree.

6. Publicity:

Neighbour Notification letters	26	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** I have received four letters of objection, and these are reproduced. The main issues raised are:

- Unreasonable loss of privacy to nearby properties
- Over dominant scale of buildings
- Unreasonable tree removal
- Loss of existing views and property values
- Concern over retaining walls and stability of land above
- The proposal is unsuitable for the site

Any further representations will be reported at the meeting.

7. Consultations:

DCS (Health) – requests a preliminary site investigation report to be submitted and approved. where potential contamination is identified, a site investigation and risk assessment should be carried out to determine levels of contamination. If required, a remediation report and

B1 APPLICATIONS (cont'd)

8 Code No: DER/12/06/01998

validation statement should be prepared, and be submitted to and approved by the City Council.

CS (Arboricultural Officer) – requests a method statement for tree protection, including in the removal and replacement of the drive within the tree protected area.

Police ALO – to be reported.

STW – no objections, subject to drainage works for the disposal of both surface water and foul sewage being carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

9. Summary of policies most relevant: CDLPR:

GD5 - Amenity
H12 - Lifetime Homes
H13 - Residential Amenity – General Criteria
EP13 - Business and Industrial Development in other areas
E9 - Trees
E10 - Renewable Energy
E23 - Design
E24 - Community Safety
L2 - Public Open Space Standards
L3 - Public Open Space in New Development
T4 - Access Parking and Servicing

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

- 10. Officer Opinion:** As indicated in the Description paragraph, this application in total is almost identical to DER/07/06/01181 and DER/07/06/01182 discussed at the 7 September meeting of this Committee. With regard to those two applications notice was not served correctly regarding rights of access to the private road, and that issue has now been resolved. The proposed alterations to the vehicular access and the parking layout are quite acceptable, and the applicant now has clear right of access along the private road from Rowditch Place. Similarly, the proposed minor alterations to the elevations are quite acceptable and I will again require by condition that **all** windows in the north and south elevations be obscure glazed to prevent unreasonable overlooking.

I have noted the points raised by the objectors. However, I would stress to Members, that the built form/footprint proposed is virtually

B1 APPLICATIONS (cont'd)

8 Code No: DER/12/06/01998

identical to those covered in DER/07/06/01181 and DER/07/06/01182 both of which obtained approval by this Committee in September. The issues of land levels and relationships with the surrounding residential properties were covered in great detail at that time, and the original report to Committee of 7 September 2006 is attached for your attention. On the basis of discussions and resolutions made at that time, I would consider it both inappropriate and unreasonable to withhold permission in this case.

11. Recommended decision and summary of reasons:

11.1 A. To authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement in respect of the objectives set out in 11.5 and **to authorise** the Director of Corporate Services to enter into such an agreement.

B. To authorise the Assistant Director – Regeneration **to grant** planning permission on the conclusion of the above agreement. Should the Section 106 Agreement not be concluded within 13 weeks of the applications life (5 April 2007) the Assistant Director – Regeneration to give consideration, in consultation with the Chair, to refusal of the application.

11.2 Summary of reasons: The proposal has been considered against the adopted City of Derby Local Plan Review policies as summarised in 9 above and the scheme would be reasonably in keeping with the appearance and character of the surrounding locality and would not cause damage to the nearby protected tree.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 20 (landscaping)
3. Standard condition 22 (landscaping maintenance)
4. Standard condition 19 (means of enclosure)
5. Standard condition 30 (hard surfacing)
6. Standard condition 100 (contamination)
7. Standard condition 38 (drainage details)

8. Before any development commences, details of secure cycle parking shall be submitted to and be agreed in writing by the Local Planning Authority, and such details shall be implemented before the development is taken into use.

9. Before any development commences, details of a method statement for tree protection and the reconstruction of the private

B1 APPLICATIONS (cont'd)

8 Code No: DER/12/06/01998

road along the south of the site shall be submitted to and be approved in writing by the Local Planning Authority.

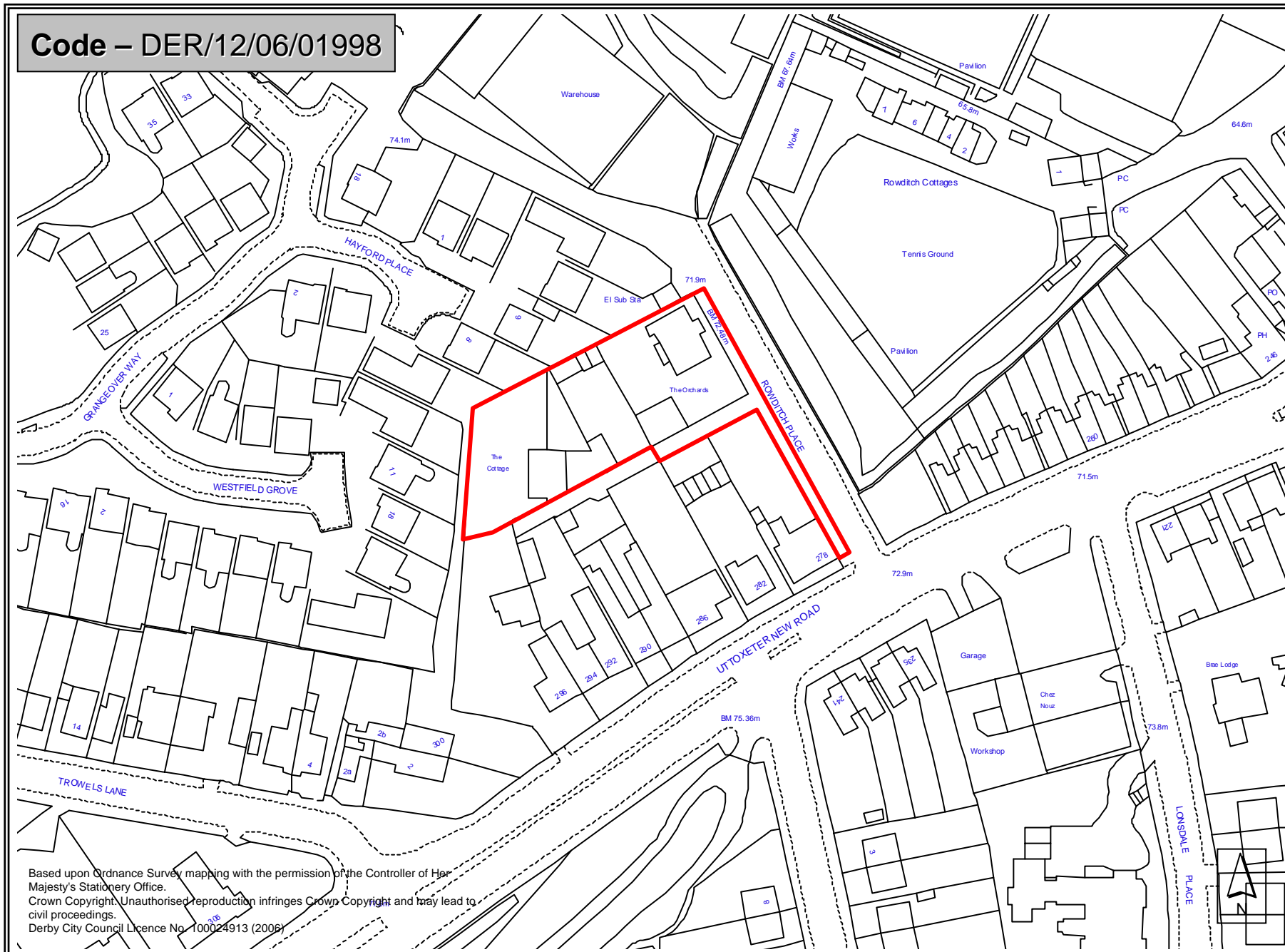
10. No trees or vegetation shall be removed from the north and the west boundaries of the site, unless otherwise agreed in writing by the Local Planning Authority.
11. All windows in the north and south elevations shall be obscure glazed at all times unless otherwise agreed in writing by the Local Planning Authority.
12. The construction of the development shall have full regard to the needs to reduce energy consumption and a scheme shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate what measures are proposed before the developments commenced. The approved scheme shall be implemented in its entirety before the respective building to which it relates is brought into occupation.

11.4 Reasons

1. Standard reason E14....policies H13 and E23
2. Standard reason E18....policies H13 and E23
3. Standard reason E18....policies H13 and E23
4. Standard reason E14....policies H13 and E23
5. Standard reason E14....policies H13 and E23
6. Standard reason E49....policy GD5
7. Standard reason E21
8. Standard reason E22....policy T4
9. In order to protect the long term health of a tree protected by Tree Preservation Order....policy E9
10. To preserve the amenities of nearby residents....policy E9
11. To preserve the amenities of nearby residents....policy H13
12. These 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 Policy E10 of the adopted City of Derby Local Plan.

11.5 S106 requirements where appropriate: Lifetime homes, public open space provision and highway works.

Code – DER/12/06/01998



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B1 APPLICATIONS (cont'd)

9 Code No: DER/01/07/00028

Type: Full

1. **Address:** Site of 18 Overdale Road
2. **Proposal:** Demolition of dwelling, and erection of 8 flats and communal facilities.
3. **Description:** This full application seeks permission for the demolition of the existing building, and the erection of a two storey building, with frontages both to Overdale Road and to Carlton Road. The building is of a pitched and hipped roof design, with primary fenestration to the front and rear. Vehicular access to a surface parking area (four spaces) would be on the Carlton Road frontage alongside No. 3 Carlton Road. To the rear, the proposed building would provide eight flats, an extensive office area, a communal lounge, a buggy store, toilets and a plant room. Security access would be on the Carlton Road frontage. The building is designed to provide safe and secure accommodation, with staff on site, for victims of marriage/relationship abuse.

The application site is surrounded by established residential properties in all directions, and was itself previously in use as a care home. The application has been the subject of lengthy pre-application discussions with City Council officers, and in broad terms represents a form of residential development, within a long established residential area.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** The proposal would provide employment opportunities.
 - 5.2 **Design and Community Safety:** The design of the proposal was the subject of pre-application discussions with officers, and I have no objections to raise. It has been designed to reduce the impact on the two adjacent properties, No. 3 Carlton Road, and No. 20 Overdale Road. The specialised nature of the buildings use will require a high level of security.
 - 5.3 **Highways:** Parking provision of four spaces is predominantly to serve the staff. It is not anticipated that the client base will be car owners/users. Visibility onto Carlton Road is good, and space is also available for servicing.
 - 5.4 **Disabled People's Access:** To be reported.
 - 5.5 **Other Environmental:** None.

B1 APPLICATIONS (cont'd)

9 Code No: DER/01/07/00028

6. Publicity:

Neighbour Notification letter	16	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: I have received 33 representations of objection to this proposal, and they will be available in the chamber foyer. The main issues raised by the objectors are:

- The proposal will devalue property in the area
- It will bring crime/undesirables to the area
- Proposed use is overintensive
- Building is too large
- Insufficient parking
- Use is inappropriate in this location
- Will bring danger to residents/children

Any further representations will be reported at the meeting.

8. Consultations:

Police ALO – To be reported.

An officer from Resources and Housing will address Members at the meeting.

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

- GD1 - Social inclusion
- H13 - Residential development, general criteria
- GD4 - Design
- GD5 - Amenity
- T4 - Access parking services
- E24 - Community safety
- E23 - Design
- E25 - Building security measures

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

10. Officer Opinion: This application was the subject of some pre-application discussion with officers, and there has been considerable

B1 APPLICATIONS (cont'd)

9 Code No: DER/01/07/00028

input both from planning staff and officers from Resources and Housing. As can be seen from the large number of representations, the proposal has generated a very high level of interest and concern.

In broad land-use terms there are no policy objections to raise. This is a form of residential development within a long established residential area. While the actual form of use is slightly unusual, it is a form of flat development in an area of dwelling houses, flats and houses in multiple occupation. There are, therefore, no objections to the proposed form of use. The physical form of the proposed building would provide a strong visual feature on the corner of Overdale Road and Carlton Road, and is of an acceptable design in this area of varied building form. Pre application discussion with officers has secured acceptable relationships with the adjacent properties in Carlton Road and Overdale Road. In particular, obscure glaze windows will avoid any unreasonable overlooking into the curtilage of No. 20 Overdale Road. Security needs may require that boundary treatments are slightly higher than usual, due to the specialised nature of the accommodation proposed, but the appearance of the proposal in the streetscene would be quite acceptable subject to the use of good quality external materials.

Parking provision is quite low, but reflects the fact that this proposal is designed to provide only temporary/emergency accommodation and that residents generally would not be expected to be car owners. While security is clearly built into the design of the building officers have no design objections to raise, and fully support this proposal for this important facility for the city.

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 outlined in 9 above, and is an acceptable form of development in land use, siting, design, highways and in the context of the streetscene.

11.3 Conditions

1. Standard reason E27 (external materials)
2. Standard reason 19 (means of enclosure)
3. Standard reason 30 (hard surfacing)

B1 APPLICATIONS (cont'd)

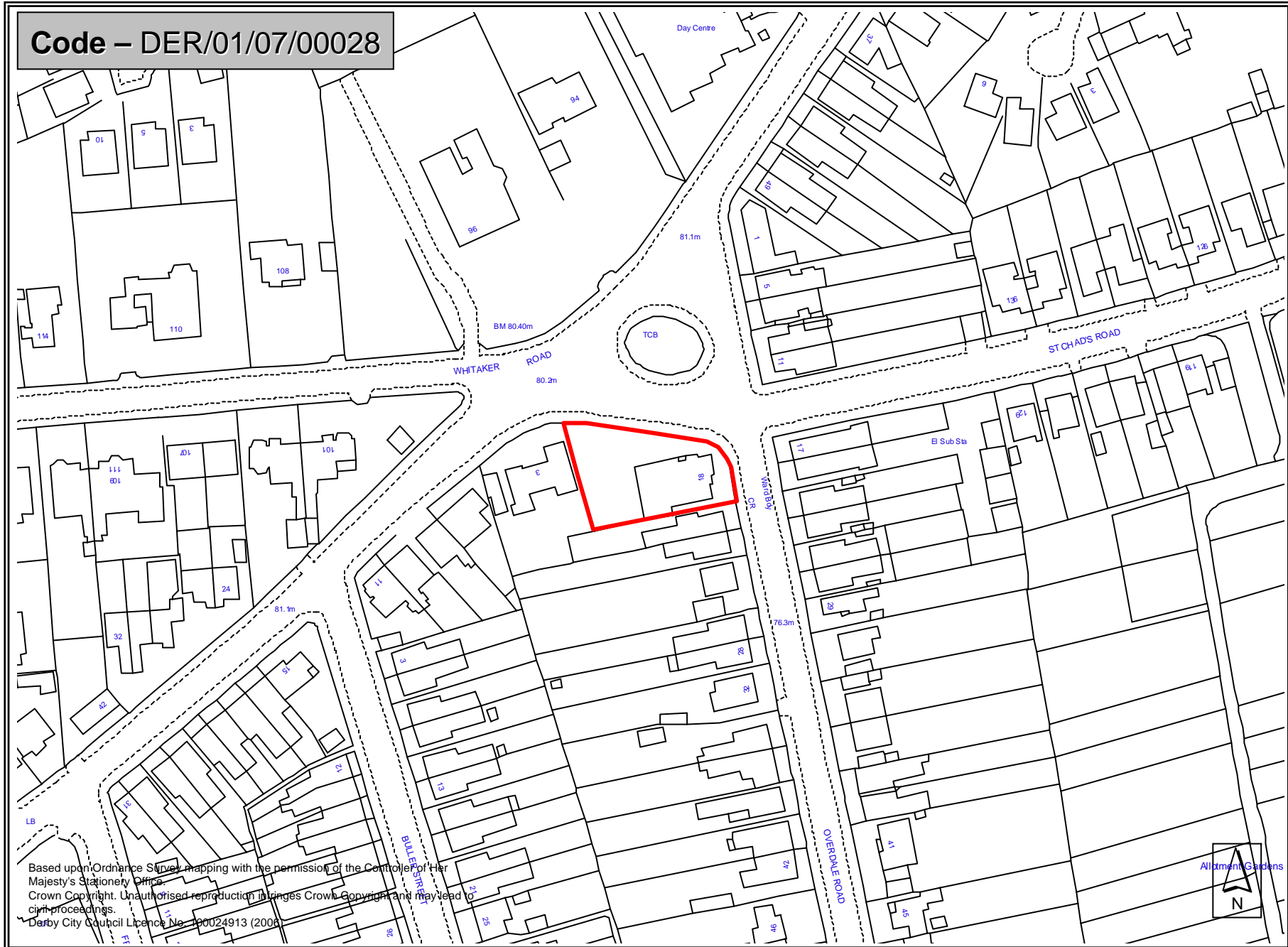
9 Code No: DER/01/07/00028

11.4 Reasons

1. Standard reason E14 ... policy GD4 and E23
2. Standard reason E18 ... policies GD4, GD5 and E25
3. Standard reason E18 ... policies GD4 and GD5

11.5 S106 requirements where appropriate: None.

Code – DER/01/07/00028



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D2 SPECIAL ITEMS

1 APPEALS DECISIONS

Appeals against planning refusal

Code No	Proposal	Location	Decision
DER/01/06/00 067	Conversion of dwelling house into 3 flats including formation of rooms in roof space (2 bedrooms and shower room)	37 Bateman Street	Dismissed
<p>Comments: The Inspector appreciated that the site appeared to have good access to public transport links and the City Centre but was not convinced that it was in such a central location that the occupiers of the proposal would not be likely to increase the demand for parking in the area. He considered that given the lack of parking facilities in the vicinity of the site, the scheme could lead to further instances of on-street parking that would be detrimental to highway safety and the free flow of traffic close to a busy road junction.</p> <p>In respect of the proposed roof extension, the Inspector considered that the appeal proposal would be a stark, obtrusive and ugly extension to the building which would completely interrupt the present roof line and would cause serious harm to the appearance of the building and the terrace as a whole. He considered that the extension would conflict with the style, form and character of the existing dwelling.</p> <p>Accordingly, the Inspector considered that the proposal failed to accord with the appropriate development plan policies and concluded that the appeal should be dismissed.</p>			

RECOMMENDATION: To note the report.