

B1 APPLICATIONS

1 Code No: DER/1205/2017

Type: Full

1. **Address:** 157 Duffield Road
2. **Proposal:** Proposed extension to dwelling house (swimming pool, link, garage and study)
3. **Description:** Planning permission is sought for extensions to a dwelling house. The extensions would comprise alterations to an existing two storey garage that lies to the side and rear of the dwelling, extensions to the rear of this garage building and construction of a link between the garage building and the dwelling. An existing covered swimming pool in the rear garden area would be demolished.

The property is within an established residential area. Stanley House Residential Home lies to the south and domestic residences lie to the north and west with Duffield Road to the east. Immediate neighbours are flats at 159 Duffield Road, and the nearest part of 155 Duffield Road is a single storey extension, with windows facing the applicant's property. Planning permission exists for a second storey extension above the existing single storey but this has not yet been implemented. If it were to be implemented, there would be windows facing the applicant's property. The rear garden area of the property is some 32m long and 18m wide. Land levels step down by about 1.25m at a point about half way down the garden. There are a number of trees situated in the garden, mostly around the perimeter.

The proposed development would in effect be a long two storey extension at the rear of the dwelling with a swimming pool, with terrace above, attached to the rear of the extension. The design blends traditional and contemporary features and materials including repeating a projecting bay that is found on the rear elevation whilst introducing a circular stairway enclosed by lightweight contemporary glass strips between zinc panels.

The change in land levels marks the divide between the living accommodation and the proposed swimming pool. Access to the first floor terrace would be via an enclosed staircase. A mono pitched roof and glazed balustrade to a height of 1m would surround the terrace.

4. **Relevant Planning History:** DER/505/847 – Extensions to dwelling house (swimming pool, link garage and study) – withdrawn.

5. **Implications of Proposal:**

- 5.1 **Economic:** None.

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5.2 Design and Community Safety: I am satisfied that the design is acceptable in terms of its scale and appearance of the dwelling itself and streetscene.

5.3 Highways: None.

5.4 Disabled People's Access: None.

5.5 Other Environmental: There are trees on the site but these have been examined and not found worthy of protecting. Some would be removed but there are no objections to this on arboricultural grounds.

6. Publicity:

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

7. Representations: Two objections have been received to date however four objections were received in response to a previous application for a similar development. Members will be orally updated on this matter. The objections relate to the impact upon amenities at neighbouring dwellings.

8. Consultations:

DcommS (Arboriculture) - no objections raised.

9. Summary of policies most relevant: CDLPR policy:

H26 – Housing extensions

E11 – Trees

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: Key considerations are the impact of this proposal upon residential and visual amenities.

Visual Amenities

The proposed extension would not be highly visible in the street scene. The existing garage that would form the front of the extension is set back from the road beyond the rear of the existing house and this

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would be the most prominent part of the work. The rear of the extension may be partially visible from Stanley Close. However, I am satisfied that the extensions would not unreasonably affect the appearance of the street scene.

I am satisfied that the blend of contemporary and traditional design is acceptable and that although the extension would be large, it would not be out of scale with the dwelling itself. I therefore feel that the extension would have an acceptable visual impact.

Residential Amenities

The proposed development would have some impact upon the amenities of neighbouring properties in terms of privacy and effects of massing. However, for the following reasons I do not think that the impact would be unreasonable:

- there would be windows on the side elevation of the building that would face northwards towards 159A Duffield Road. However those on the projecting bay, that would be some 18m from 159a Duffield Road would be obscure glazed and fixed and other windows would be 20m from the 159a Duffield Road. The distance and obscuration would, in my view prevent there being unreasonable overlooking
- views from the terrace would be restricted by the monopitch roof and as such there would be no overlooking towards 6 Stanley Close. The proposal includes a 1m high glass balustrade on the side facing towards Beech Drive properties. Although there is a good distance between the terrace and the Beech Drive properties, privacy could be better protected by use of a solid balustrade of a taller height and this could be achieved by condition. Trees along the northern boundary of the site would also help to reduce any overlooking of the Beech Avenue properties
- the building would be situated along the southern boundary of the site, adjacent to Stanley House. The side wall of Stanley House, which has permission for a second storey extension at the western end of the building would abut the proposed extensions and I am satisfied that there would be no unreasonable massing effects for this property
- at present trees and a hedge line the boundary between the application site and 6 Stanley Close and the proposed extension will result in the loss of some of these. In this event the rear of the swimming pool building would be visible from the garden area of 6

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Stanley Close and because 6 Stanley Close is at significantly lower land level than the applicant's property, the proposed building would have some effect of massing. However, I do not think this would be unreasonable. The monopitch roof design of the swimming pool would minimise the effect and the existence of the garage and efforts to retain the boundary hedge would help to screen the building and therefore help reduce its impact.

In view of the above, subject to consideration of any objections that are forthcoming, I see no justification for refusing this application.

11. Recommended decision and summary of reasons:

11.1 To grant permission with conditions.

11.2 Summary of reasons: The proposal has been considered against the City of Derby Local Plan Review policy as summarised at 9 above. The proposal is acceptable in terms of its impact upon residential and visual amenities.

11.3 Conditions

1. Standard condition 27 (materials)
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the side elevation windows shown on the approved plans as being obscure glazed and fixed panels shall be permanently maintained as such.
3. Prior to development commencing, details of the terrace balustrade, including material and height shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with these details.
4. The proposed extension and swimming pool shall not be brought into beneficial use until the existing swimming pool building has been demolished.
5. Standard condition 24 (tree protection)

11.4 Reasons

1. Standard reason E14policy H26
2. To protect the amenities of adjacent residents....policy H26

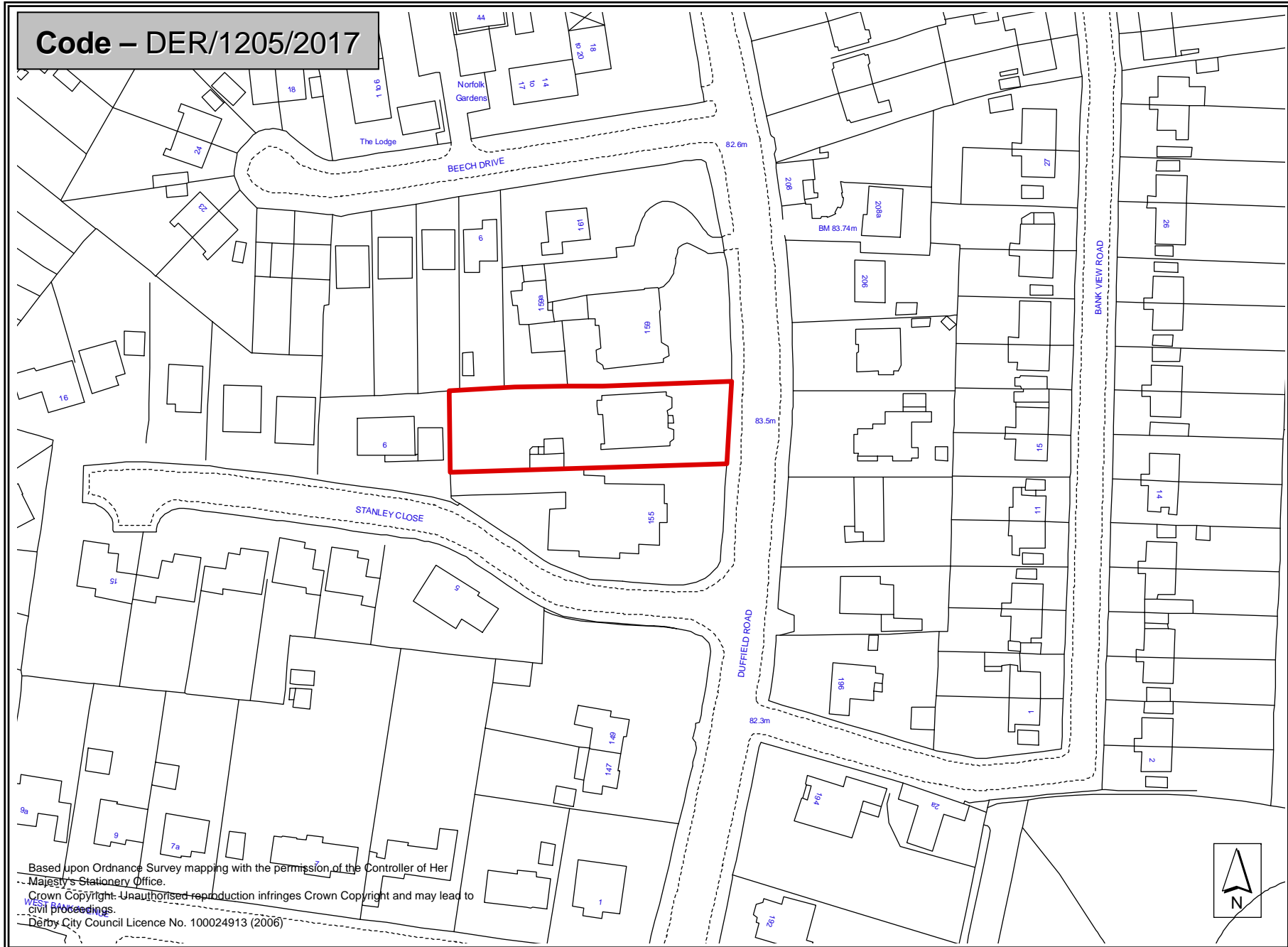
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3. The details shown are not acceptable and to protect the amenities of adjacent residents....policy H26
4. To protect the amenities of adjacent residents and prevent overdevelopment of the site....policy H26
5. Standard reason E29....policy E11

11.5 S106 requirements where appropriate: None.

Code – DER/1205/2017



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B1 APPLICATIONS (cont'd)

2 Code No: DER/106/149

Type: Full

1. **Address:** Site of Olive Mill, Olive Street
2. **Proposal:** Erection of nine dwelling houses with associated facilities
3. **Description:** Planning permission was granted in December 2004 for the erection of 9 two-bed terraced dwellings on this site. This application proposes a very similar form of development. Again, nine terraced properties are proposed to be erected on the site in two separate blocks. The only changes proposed in this application to that which was previously approved is the position of the block of 6 dwellings. In the approved application, they were proposed to sit directly alongside the gable wall of the end dwelling on the southern side of Olive Street, no. 31. In this application a 1m gap between the new dwellings and the gable wall of no. 31 is proposed. The implications of this change are movement of all six dwellings, westwards by 1m and a reduction in the width of the access to the parking area, by 1m. One parking space per dwelling continues to be proposed in this application, in the same position as the previous approval, to the rear of the block of six dwellings.

This site is currently occupied by a small group of industrial buildings. A brick two storey building dating from 1900 is located to the north and alongside it are smaller, single storey units, which are later additions. Vehicle access to the site is currently via Parliament Street. The surrounding area is mainly residential in character although a large industrial building, which extends along the rear gardens of dwellings in Olive Street, extends up to the site's south-eastern corner. The site slopes gently downhill from west to east and some of the dwellings to the south are at a raised level from the application site.

4. Relevant Planning History:

DER/1004/1989 - Planning permission granted 17/12/04 for erection of nine dwelling houses with associated facilities.

DER/693/809 – Planning permission granted 05/11/93 for extension to factory (covered storage).

DER/585/565 – Planning permission granted 11/06/85 for single storey extension to existing factory.

DER/976/1190 – Planning permission granted 13/12/76 for change of use to office.

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2 Code No: DER/106/149

5. Implications of Proposal:

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The proposed houses are designed to be in scale and character with residential properties in the surrounding area. In my opinion, there are no obvious community safety implications associated with this proposal.

5.3 **Highways:** The slight alteration to the parking layout and reduction in access width are not regarded as significant in the satisfactory operation of the car park, therefore there are no objections.

5.4 **Disabled People's Access:** Would be secured through the Building Regulations.

5.5 **Other Environmental:** None.

6. Publicity:

| | | | |
|--|----|--|---|
| Neighbour Notification letter | 20 | Site Notice | * |
| Statutory press advert and site notice | | Discretionary press advert and site notice | |
| Other | | | |

7. **Representations:** No objections had been raised in response to this application at the time of the report being drafted. If any representations are received, they will be made available for Member's consideration.

As five letters of objection were received in response to the previous application on this site, this proposal is being reported to the Committee in anticipation of similar representations being made in response to this amended scheme.

8. Consultations:

DCorpS (Health) – to be reported at the meeting.

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

- H21 - Residential development – general criteria
- ST12 - Amenity
- E26 - Design
- E27 - Community safety

B1 APPLICATIONS (cont'd)

2 Code No: DER/106/149

- T4 - Access parking and servicing
- E15 - Contaminated land

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:** Planning permission was granted only last year for a very similar form of residential development on this site to what is proposed in this application. Attached is a copy of the report for that application considered by the Planning Control Committee and the Officer Opinion section of that report gives background information to the justification for granting planning permission for residential development in the form of nine terraced dwellings on this site. In light of this site history the principle of residential development upon the site is already established.

The general layout of the site, and the design of the dwellings remain the same as the previous approval and I consider that the dwellings would be appropriate additions to this street scene. I am satisfied that the movement in the position of 6 of the dwellings does not offer any of the neighbouring properties any significant loss of privacy or amenity. The dwellings would offer a satisfactory living environment for future occupiers and they would all continue to accommodate adequate garden space. For these reasons, I am satisfied that this application meets the criteria set out in policy H21.

There are no highway objections to this application and the development continues to offer satisfactory parking provision and access into the site. Overall, I am satisfied that this amended scheme continues to offer an appropriate development for this site.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

- 11.2 Summary of reasons:** The proposal has been considered in relation to the provisions of the Development Plan and all other material considerations as indicated in 9. above. The development is considered acceptable as it provides an appropriate use of the site, meeting the Councils space and parking standards. The proposal is acceptable in design, street scene and amenity terms.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 19 (means of enclosure)

B1 APPLICATIONS (cont'd)

2 Code No: DER/106/149

3. Standard condition 30 (hard surfacing)
4. Standard condition 20 (landscaping scheme)
5. Standard condition 22 (landscaping maintenance condition 4)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no additional windows shall be inserted into the side elevations of plots 6 and 9.

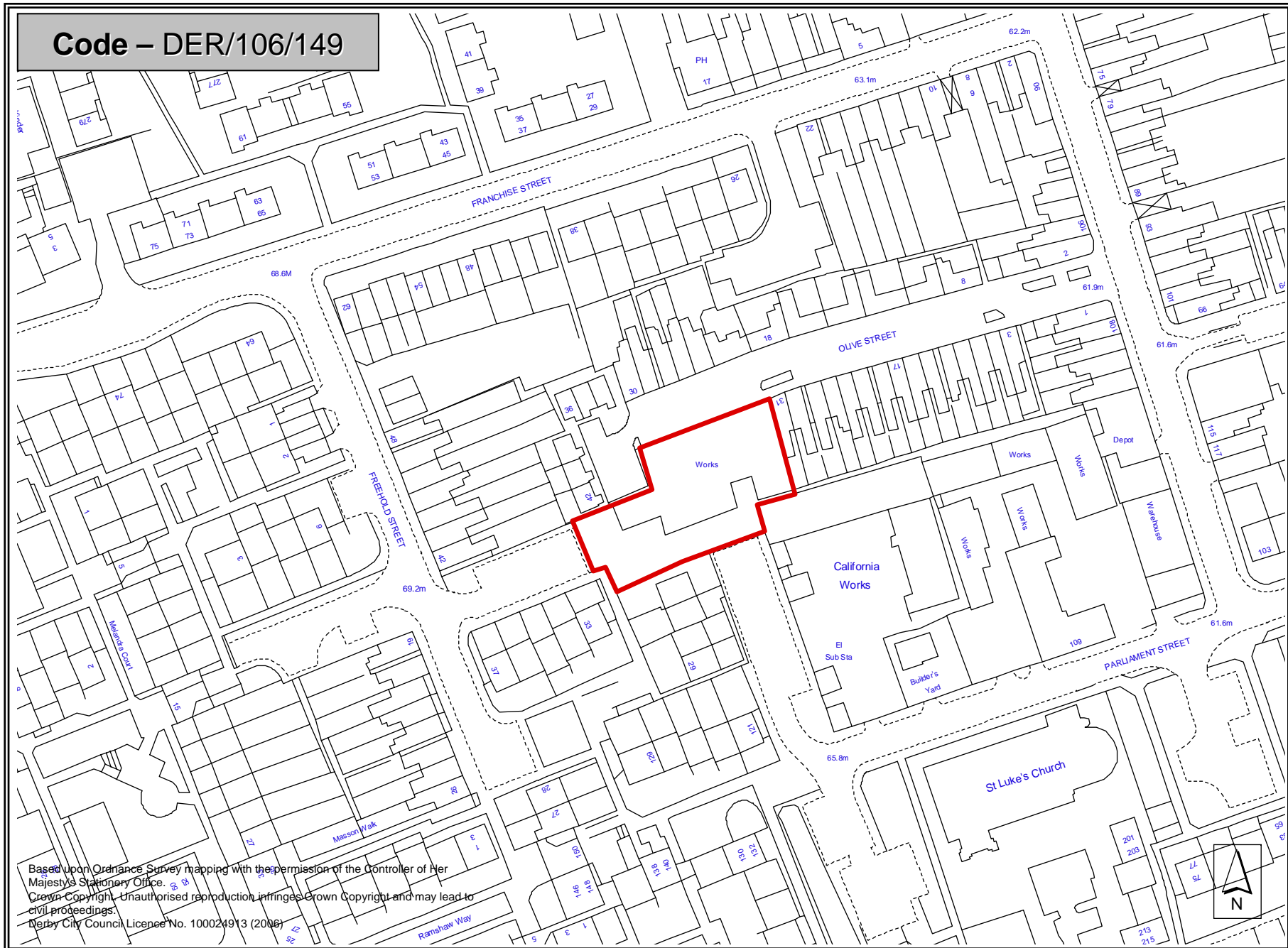
7. Development shall not begin until:
 - a. details of an investigative survey of the site have been submitted to and approved in writing by the Local Planning Authority. This investigative survey shall have regard for ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment.
 - b. the investigative survey has been carried out and a report submitted, to include details of remedial measures to be taken to address any contamination or other problems; and both the report and the remedial measures have been approved in writing by the Local Planning Authority
 - c. All the necessary remedial measures have been completed in accordance with the approved details and
 - d. the applicants have certified to the Local Planning Authority that the measures taken have rendered the site free from risk to human health from the contaminants identified.

11.4 Reasons

1. Standard reason E14...policy E26
2. Standard reason E09...policy H21
3. Standard reason E09...policy H21
4. Standard reason E18...policy H21
5. Standard reason E18...policy H21
6. Standard reason E28...policy H21

7. No such details were provided and in the interests of public health and safety...policy E15.

Code – DER/106/149



B1 APPLICATIONS (cont'd)**3 Code No:** DER/1205/1982**Type:** Advertisement Consent

1. **Address:** Land at former Highfield, Broadway
2. **Proposal:** Display of externally illuminated freestanding sign
3. **Description:** This application for Advertisement Consent relates to the residential development site at Highfield, Broadway. Construction of the dwellings is currently underway on the part of the site nearest to Broadway and the developers wish to erect a free standing advertisement to promote and market the dwellings on site.

The double sign board would be sited to the front of the double garage on Plot 1, adjacent to the boundary with the highway verge. It would be located about 10 metres from the footway on Broadway and about 7 metres from the access road. The advert would be a total of 6 metres in height and each board would be 2.4 metres wide and 3.4 metres long. It would primarily comprise of blue and white colours and lettering. The signs would be illuminated by two floodlights sited on the ground to the front of the signboards.

4. **Relevant Planning History:** DER/404/774 – Reserved Matters for erection of 155 dwellings – granted November 2004.

5. Implications of Proposal:**5.1 Economic:** None.

5.2 Design and Community Safety: The proposed sign would be of a functional appearance in the corporate colours and logos of the developers. There are not considered to be any adverse community safety implications.

5.3 Highways: No objections subject to maximum illumination of 1000 cd/m².

5.4 Disabled People's Access: None.

5.5 Other Environmental: None.

6. Publicity:

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

B1 **APPLICATIONS** (cont'd)

3 **Code No:** DER/1205/1982

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

- the amenities of local residents would be lost, particularly for those living opposite the sign
- the proposed sign would be large and obtrusive and out of keeping with the surrounding area
- the floodlights would lead to increased light pollution in the local area
- there are existing signs and flagpoles on site and there is no need for a further sign
- consent for a period of five years would be unacceptable to local residents.

8. **Consultations:** None.

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

E29 – Advertisements

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

10. **Officer Opinion:** The proposed freestanding advertisement would be sited on the development site for a temporary period, until construction of the dwellings is completed. It would be a substantial signboard, externally illuminated, promoting both developers on the site. The sign would be well related to the housing development under construction, because it would be sited adjacent to the garage on Plot 1, which has already been constructed. It would abut the boundary with the highway verge and be positioned about 10 metres from the footway on Broadway. The sign would therefore not be unduly prominent or intrusive in the local streetscene and it would be seen against the backdrop of the housing development. The nearest dwellings to the proposed sign on Broadway, would be about 50 metres away on the opposite side of the highway. I consider that they would be a sufficient distance from the sign for their amenities not to be adversely affected. The two floodlights facing the sign, would not result in undue glare or disturbance to nearby residents. The locality is already well lit by streetlighting and I feel that the additional lights would not be any more noticeable from nearby residential properties.

B1 APPLICATIONS (cont'd)

3 Code No: DER/1205/1982

In terms of design and scale, the proposed advertisement would be a large functional sign, which is intended solely for the purpose of marketing new dwellings on the development site. The limited design merit of the sign would impact on the appearance of the surrounding area, although it would be seen against the backdrop of a substantial building site. During construction, the site itself has a detrimental effect on the visual amenities of the streetscene. As a temporary structure, the proposed sign is considered to be appropriate in this location and, for a specified period of three years, it would cause limited harm to the appearance and character of the surrounding residential area.

Pedestrian and traffic safety would not be compromised by the siting of the sign. It would be set back a sufficient distance from the nearby highway frontage and would not result in an undue distraction for drivers.

In conclusion, the proposed advertisement would be acceptable in this location for a temporary period and would accord with the provisions in Policy E29 of the adopted Local Plan Review.

11. Recommended decision and summary of reasons:

11.1 To grant consent with conditions.

11.3 Conditions

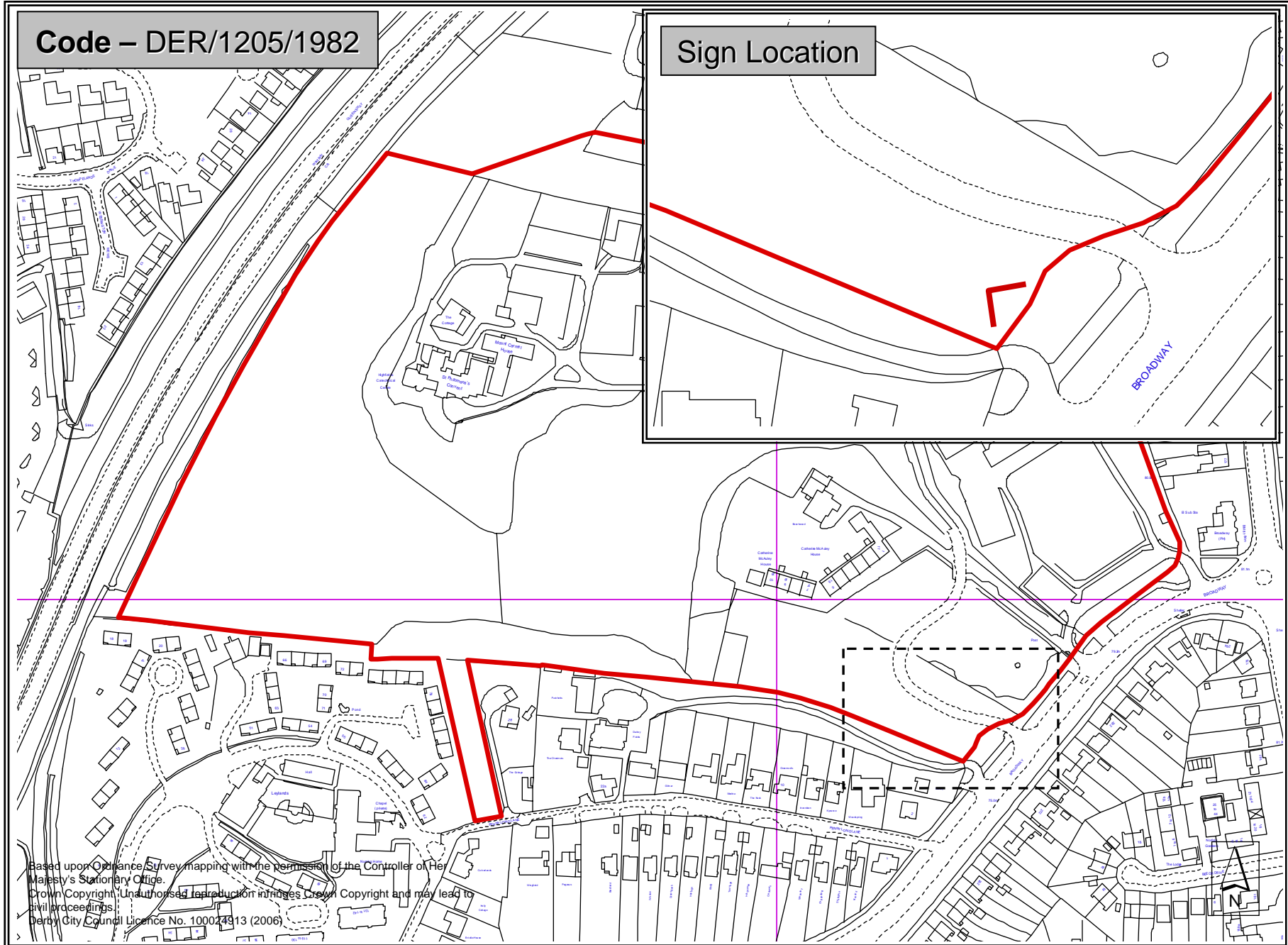
1. The consent hereby granted shall expire on 23 February 2009 at the end of a period of three years from the date of this consent and the advertisement shall be removed from the site.
2. Standard condition 40 (intensity of illumination – exceed 1000 cds/m)

11.4 Reasons

1. Standard reason E23 and to ensure that the visual amenities of the local area are protected.
2. Standard reason E19

Code – DER/1205/1982

Sign Location



D3 **TELECOMMUNICATIONS NOTIFICATION**

1 **Code No:** DER/106/54

Type: Prior Notification

1. **Address:** St Alkmund's Way
2. **Proposal:** Installation of a 12.0m telecommunications monopole and equipment cabinets
3. **Description of Location:** Highway verge on the southern side of St Alkmund's Way, close to the footpath that rises from Phoenix Street. Notification has been received to install a steel column-type monopole on the existing highway verge.
4. **Description of Equipment:** This is on the southern side of the high-level dual carriageway of the Inner Ring Road. The road is dual four-lanes at this point. Most of this road has no footways but a footpath comes up from the lower level Phoenix Street to form a footway across Causey Bridge. The verge is actually an embankment and is some 25m wide. The monopole would be sited approximately 51m from the nearest isolated dwellings at the corner of Wood Street. The nearest part of the Landau Forte College is some 80 m away across the Inner Ring Road. It is required to provide both enhanced 2G and 3G telecommunications coverage in this central area of the City.

The monopole would be 12m high with the transmitter antennae in a cylindrical plastic shroud occupying 1.8m above that. This will result in the main part of the street column being between some 230mm and 160mm in diameter with the higher transmitter-carrying part some 300 mm diameter. It would be some 25m east of a gantry sign that crosses the carriageway and close to trees that are around 7m high but some of these grow from ground at a lower level. The existing nearby lighting columns are 10m high.

5. **Alternative considered by Applicant:** A schedule of six alternatives has been provided. Reasons for the rejection cover:
 - adverse planning assessment, including sites virtually identical and therefore offering no obvious benefits (1)
 - technically unsatisfactory, (5)
6. **Relevant Planning History:** None.
7. **Implications of Proposal:**
 - 7.1 **Economic:** None directly arising. The extension of 3G coverage is intended generally to equip the United Kingdom better in relation to all forms of radio communication technology.

D3 **TELECOMMUNICATIONS NOTIFICATION** (cont'd)

1 **Code No:** DER/106/54

- 7.2 Design:** This is a type of monopole designed to house both 2G and 3G antennae in a single cylindrical shroud. Visual impact is similar to lighting columns.
- 7.3 Community Safety:** There is frequently concern that the steel cabinets can be climbed on. On a streetworks installation, that is one where a secure compound is not created, this cannot be avoided but the hazard is no greater than that from other street furniture. The “Armco” barrier is intended to prevent road accident damage but see comments below.
- 7.4 Highways:** There are difficulties with the protection of the equipment from vehicles having regard to the nature and speed of traffic on the adjacent carriageway. Negotiations are continuing and may result in re-positioning or other forms of protection. If agreement cannot be reached the notification may be withdrawn. Further advice will be given orally at the meeting.
- 7.5 Health:** The proposal is certified as being in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP). As a result of this and the advice in Planning Policy Guidance Note on Telecommunications (PPG8) the planning authority should not consider further the health implications of the proposal.
- 7.6 Other Environmental:** Nearby street trees are not particularly effective in screening but the visually dominant feature in the street scene is the overhead gantry.

8. **Publicity:**

| | | | |
|--|---|--|---|
| Neighbour Notification letter | * | Site Notice | * |
| Statutory press advert and site notice | | Discretionary press advert and site notice | |
| Other | 30 dwellings/small commercial and the Landau Forte College, Ward Member notification. | | |

- 9. Representations:** At the time of preparation of this report I have received one objection from a resident 155m away, which is on health grounds. I have also received an objection from Councillor Richards. ... Both are reproduced. Any late ones will be reported orally, circulated or placed in the Members’ rooms.

10. **Consultations:**

DCorpS (EH and TS) – no comment.

D3 **TELECOMMUNICATIONS NOTIFICATION** (cont'd)

1 **Code No:** DER/106/54

11. **Summary of policies most relevant:** Policy E31 (telecommunications) of the adopted CDLP Review – 2006 states that planning permission will be granted subject to assessment against the following criteria:
- a. impact upon amenities and the surrounding environment, with consideration given to sensitive areas, screening and landscaping
 - b. there is no possibility of erecting the mast upon existing buildings or sharing mast facilities
 - c. no clear evidence of electrical interference.

The above is a summary of the policy that is relevant. Members should refer to their copy of the CDLP Review – 2006 as modified, for the full version.

The main policy guidance is that in PPG8 (Telecommunications). Members will be aware of this from previous reports on prior notifications and on telecommunications in general. I can provide copies of PPG8 and my report to the Committee of 27 September 2001 to any Member who would like a copy.

12. **Officer Opinion:** Policy E31 of the adopted CDLP Review – 2006 is applicable, even though this application seeks prior notification approval for the proposed development and not planning permission. The policy makes it clear that, unless there are conflicting material considerations relating to criteria a, b or c above, permission should be granted where there is an application for permission, or that the Local Planning Authority should not refuse prior notification cases on location and appearance grounds. This is consistent with Government advice in PPG8, which seeks to encourage development of the telecommunications network.

Health Considerations

Further to the comments under 7.5 above, a recent case (Harrogate) before the Court of Appeal has expanded the understanding of the basis on which health concerns can be a factor in determining planning applications. Like most cases that reach the Court of Appeal some of the arguments are complex and this case was the follow-up to that in the Divisional Court where the judge had found a Planning Inspector at fault in his determination of an appeal against refusal of permission for a telecommunications base station. In practice the outcome does make it clear that it is only in exceptional circumstances that Local Planning Authorities can properly pursue health grounds where a certificate of conformity is provided.

D3 TELECOMMUNICATIONS NOTIFICATION (cont'd)

1 Code No: DER/106/54

This is on the basis that, whilst impact on health can be a material consideration for any planning application, it is only in exceptional circumstance that the planning process should conclude that health concerns are an overriding consideration. The health advice in PPG8 is very clear indeed; if an application or notification is certified to meet ICNIRP guidelines, the Local Planning Authority should not seek to challenge this as health impact is, primarily, a matter for Central Government. I have no doubt that a Local Planning Authority that refused an ICNIRP-certified proposal on health grounds would find itself stranded, unable to produce any credible professional witness, on appeal.

Visual Amenities and the Environment

I am satisfied that the proposal would not have any unreasonable impact upon visual amenities or the surrounding environment. The monopole would be sited on a very busy road of substantial width and would not be out of place with the 10m street lighting columns or the gantry sign in the area. This type of column has been developed to be more sympathetic to conventional street furniture in visual impact, for urban residential locations. This road is lined with tall lighting columns and trees where there is space, as on the adjacent embankment.

The whole area is dominated by the scale of the Inner Ring Road. Notified properties are on the opposite side and this column, if visible at all, will be insignificant.

Mast-Sharing and erection upon Existing Buildings

The applicant has submitted supporting information which states that alternative site options have been explored as set out in Section 5 above. I am satisfied that there is none available within the limits that will give coverage to the cell that have any material advantages over this one.

In relation to site-sharing, I feel that this is one area where technological development has overtaken the advice in PPG8. I consider that a number of monopoles, of the type now available and proposed here, in a locality, is arguably better than site-sharing as this inevitably still requires heavy engineering structures.

Highway Considerations

The proposed monopole would be sited on highway verge. Use of St Alkmund's Way would of course be unacceptable for erection and servicing and the agent has confirmed that only Phoenix Street will be

D3 TELECOMMUNICATIONS NOTIFICATION (cont'd)

1 Code No: DER/106/54

used. In relation to the specific difficulties of protecting all street furniture from vehicle impact on roads of this character, it may be possible to move the equipment a relatively short distance to overcome these problems. If this is done I would feel able to recommend Members that it could be dealt with as below. If changes have to be more radical, I would expect this notification to be withdrawn and the process, including publicity, to start again.

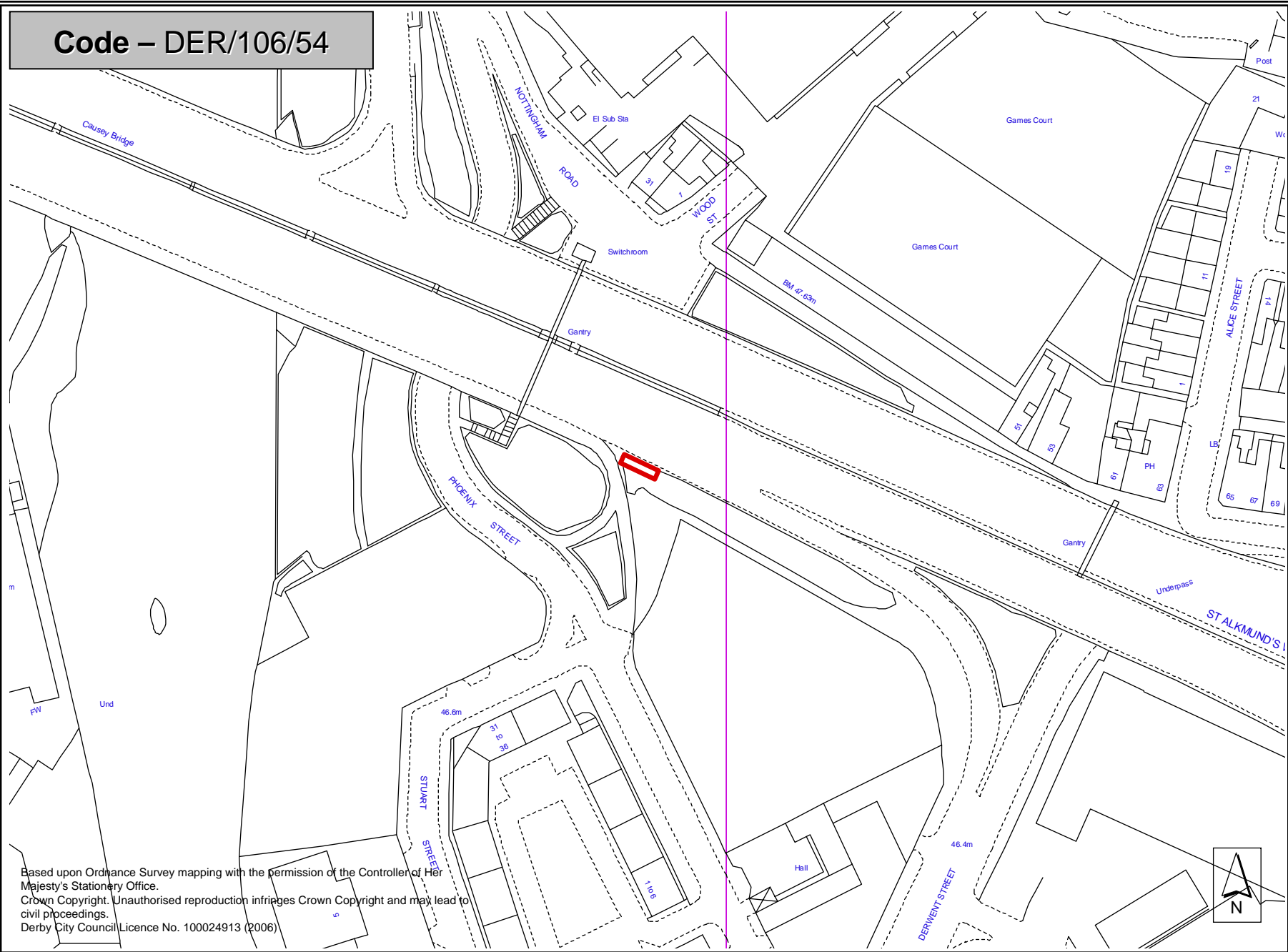
At present I am of the opinion that the Local Planning Authority should not seek to control the siting and appearance of the equipment.

13. Recommended decision and summary of reasons:

13.1 The City Council does not wish to control the details of siting and appearance.

13.2 Summary of reasons: The proposal has been considered against the City of Derby Local Plan Review – 2006 policy as summarised in 11 above and against Planning Policy Guidance Note 8. It constitutes a telecommunications development in the most suitable of several identified locations, and would improve the network in this part of the city without having a detrimental effect upon local amenities.

Code – DER/106/54



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D3 **TELECOMMUNICATIONS NOTIFICATION** (cont'd)

2 **Code No:** DER/106/55

Type: Prior Notification

1. **Address:** Land at the rear of 29-31 Ashbourne Road
2. **Proposal:** Installation of 15m high monopole and three antennae, one dish and equipment cabinet.
3. **Description:** 29-31 Ashbourne Road is located within the Friar Gate Conservation Area. It has two shop fronts on its Ashbourne Road frontage and it accommodates a video shop and a car repair centre on its ground floor. The section of the building that fronts Ashbourne Road is two storey and has a flat roof. As the building extends southwards, the rear section drops down to a pitched roof building of 8m in height. Access can be gained to the rear of the building via a large roller shutter door and it is alongside this rear entrance to the building that the proposed monopole and associated equipment would be sited. The area to the rear of the building is used as a small car park and the equipment would be located within it.

Retail premises are located to the south of the car park and offices sit to the west. Access into the car park is via Slater Avenue and views into the car park from Slater Avenue are restricted by 2m high fencing and a row of three mature trees which sit alongside the pavement edge. The nearest residential property to the site is located approximately 30m away on Slater Avenue and Uttoxeter Old Road.

4. **Description of Equipment:** The equipment is required to provide 3G telecommunications coverage in the surrounding area. It would comprise a galvanized steel monopole of 15m in height with three antennas mounted on the top, taking it to a total height of 17.7m. A dish 300m in diameter is also proposed to be located on the pole, 14.4m above ground level. The monopole would be sited 1.3m from the rear elevation of 29-31 Ashbourne Road.

The equipment cabinet would sit closer to the building but within 1m of the monopole. Measuring 1.6m in width, 0.4m in depth and 1.4m in height, the cabinet is proposed to be painted green. Seven 1m high bollards are proposed to be used, to offer some enclosure of the area around the pole and cabinet.

5. **Alternatives considered by Applicant:** A schedule of four alternatives has been provided. Reasons for their rejection cover:
 - site owner unlikely to be willing to provide facilities (1)
 - adverse planning assessment, due to proximity to mature trees in the area (1)

D3 **TELECOMMUNICATIONS NOTIFICATION** (cont'd)

2 **Code No:** DER/106/55

- siting of equipment on roof of building on chosen site inappropriate given that the building is located within a conservation area (1)
- site out of area required to provide chosen coverage (1)

6. **Relevant Planning History:** DER/804/1508 – Planning permission was granted in September 2004 for change of use of the first floor of 29-31 Ashbourne Road from offices to leisure.

7. **Implications of Proposal:**

7.1 **Economic:** None directly arising. The extension of 3G coverage is intended generally to equip the United Kingdom better in relation to all forms of radio communication technology.

7.2 **Design:** This type of monopole has been developed to replicate, in terms of general impact, the design of lighting columns and street furniture found in urban locations.

7.3 **Community Safety:** As the equipment is proposed to be within a car park which is privately owned, it should not be susceptible to vandalism which can sometimes be a problem when equipment of this kind is sited upon open highway land.

7.4 **Highways:** The site is remote from the highway; therefore there are no highway implications.

7.5 **Health:** The proposal is certified as being in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP). As a result of this and the advice in Planning Policy Guidance Note on Telecommunications (PPG8) the planning authority should not consider further the health implications of the proposal.

7.6 **Other Environmental:** None.

8. **Publicity:**

| | | | |
|--|--|--|--|
| Neighbour Notification letter | 104 properties within 90m Two schools/nurseries within 200m | Site Notice | |
| Statutory press advert and site notice | | Discretionary press advert and site notice | |
| Other | Ward Member Notification | | |

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9. **Representations:** At the time of the preparation of this report, one letter of objection had been received in response to this prior notification and a copy is attached. In anticipation that further objections may be received, I have to report this notification to this meeting as the 56 day period expires before the next meeting. Should any further objections to this notification be received, they will be placed in the Members' rooms.

The objections to the proposal that have been raised are on the grounds of health, unsightliness and necessity, suggesting that the pole should not be sited in a residential area.

10. **Consultations:**

CAAC – to be reported.

DCorpS (Health) – no objections to the proposal.

11. **Summary of policies most relevant:**

Policy E31 (Telecommunications) of the adopted CDLP Review states that planning permission will be granted subject to assessment against the following criteria:

- a. the development is sited and designed to minimise visual impact on residential areas and other sensitive areas protected by the Plan
- b. new ground-based installations will only be permitted where it can be shown that there is no reasonable prospect of erecting antennae on existing buildings or structures or of sharing mast facilities
- c. no clear evidence of electrical interference.

The above is a summary of the policy that is relevant. Members should refer to their copy of the CDLP Review – 2006 as modified, for the full version.

The main policy guidance is that in PPG8 (Telecommunications).

12. **Officer Opinion:** Policy E31 of the adopted CDLP Review is applicable, even though this application seeks prior notification approval for the proposed development and not planning permission. The policy makes it clear that, unless there are conflicting material considerations relating to criteria a, b or c above, permission should be granted where there is an application for permission, or that the Local Planning Authority should not refuse prior notification cases on location and appearance grounds. This is consistent with Government advice

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in PPG8 which seeks to encourage development of the telecommunications network.

Health considerations

Further to the comments under 7.5 above, a recent case (Harrogate) before the Court of Appeal has expanded the understanding of the basis on which health concerns can be a factor in determining planning applications. Like most cases that reach the Court of Appeal some of the arguments are complex and this case was the follow-up to that in the Divisional Court where a judge had found a planning Inspector at fault in determination of an appeal against refusal of permission for a telecommunications base station. In practice the outcome does make it clear that it is only in exceptional circumstances that Local Planning Authorities can properly pursue health grounds where a certificate of conformity is provided.

This is on the basis that, whilst impact on health can be a material consideration for any planning application, it is only in exceptional circumstance that the planning process should conclude that health concerns are an overriding consideration. The health advice in PPG8 is very clear indeed; if an application (or notification) is certified to meet ICNIRP guidelines the Local Planning Authority should not seek to challenge this as health impact is, primarily, a matter for Central Government. I have no doubt that a Local Planning Authority that refused an ICNIRP –certified proposal on health grounds would find itself stranded, unable to produce any credible professional witness, on appeal.

Visual Amenities and the Environment

I am satisfied that the proposed equipment would not have unreasonable implications for the visual amenity of the surrounding area and conservation area. The monopole and antennae would extend above the height of neighbouring buildings and so would be visible from areas surrounding the site. However, the distance between the pole and residential property on Uttoxeter Old Road and Slater Avenue would help to reduce the scale of the pole in views from these surrounding sites. The siting of the pole at the rear of existing buildings means that it would be offered considerable screening from neighbouring office and retail buildings as well as boundary treatments. 29-31 Ashbourne Road would offer the equipment significant screening in views along Ashbourne Road and I am satisfied that the equipment should not become an over-dominant feature of the surrounding conservation area. In my view, the telecommunications industry has listened to past criticism of the ugliness of its early equipment, and has

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developed, and continues to develop, types which are more sympathetic to conventional street furniture in visual impact, for urban residential locations.

Mast-sharing and erection upon existing buildings

The applicant has submitted supporting information which states that alternative site options have been explored, as set out in Section 5 above. I am satisfied that clear consideration has been given to siting this equipment in a location that would offer limited visual implications for the Friar Gate Conservation area. In considering the need to offer coverage within this cell area, I do not feel that an alternative site could be sought that would offer clear material advantages over this one.

In relation to site-sharing, I feel that this is one area where technological development has overtaken the advice in PPG8. I consider that a number of monopoles, of the type now available and proposed here, in a locality, is arguably better than site-sharing as this inevitably still requires heavy engineering structures.

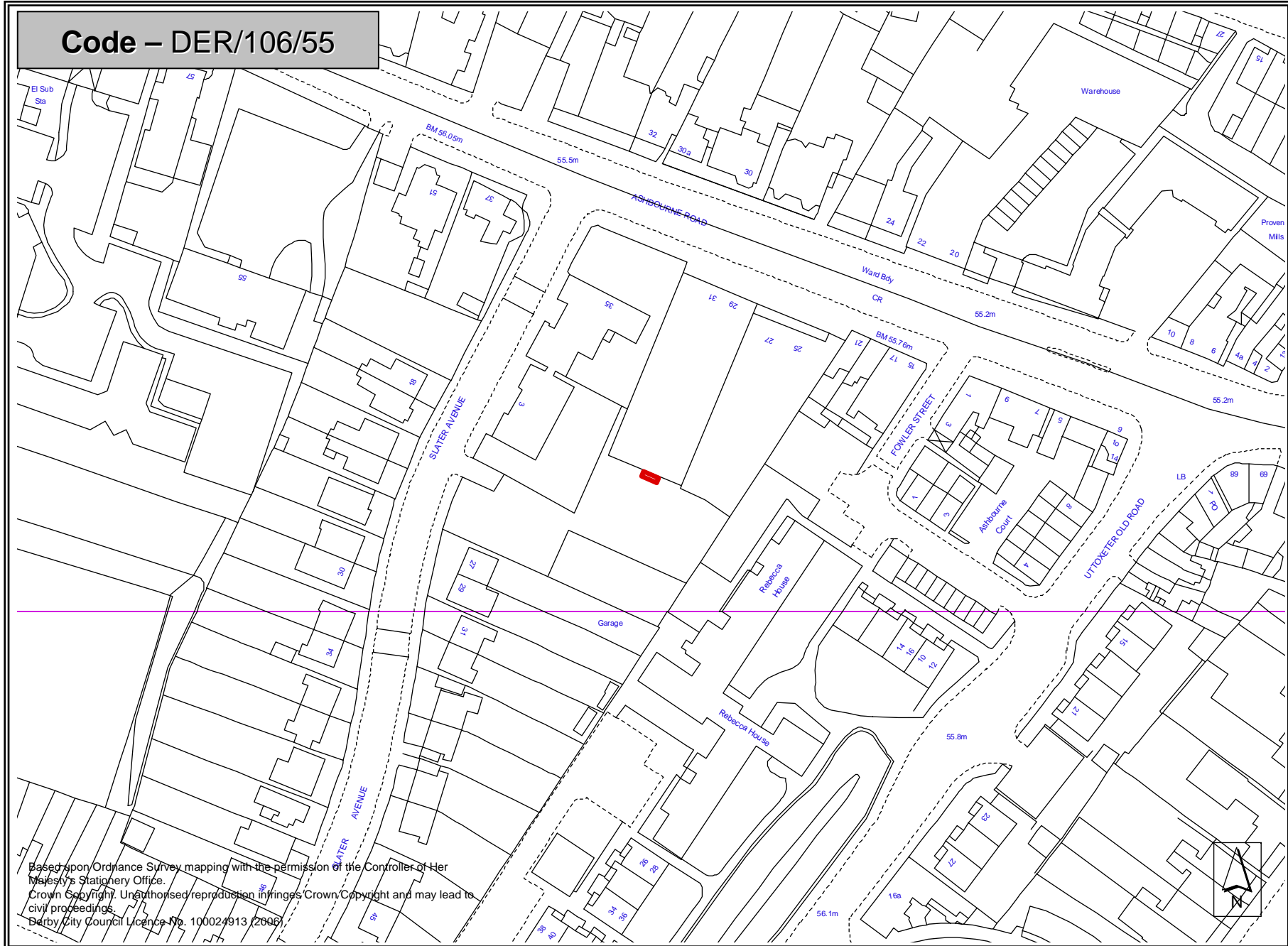
For the reasons given above, I consider that the siting and design of the equipment detailed in this prior notification are consistent with local and national planning policy. I do not consider that a comprehensive case could be put forward to offer grounds on which to object to the prior notification. I therefore conclude that the Local Planning Authority should not seek to control the siting and appearance of the equipment.

13. Recommended decision:

13.1 That the City Council does not wish to control the details of siting and appearance.

13.2 Summary of reasons: The proposal has been considered against the City of Derby Local Plan policy as summarised in 11 above and against Planning Policy Guidance Note 8. It constitutes a telecommunications development that would improve the network in this part of the city without having a detrimental effect upon local amenities.

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