

A APPLICATIONS

1 Code No: DER/1006/1562

Type: Full (Regulation 3)

1. **Address:** Land off Audrey Drive, Chaddesden Derby. (Part of the grounds of Cavendish Close Infants School, Wood Road).
2. **Proposal:** Erection of a Children's Centre together with associated fencing, play area, vehicular access, and alterations to existing school building.
3. **Description:** This site is a small plot in the north-west corner of large school grounds which accommodate Cavendish Close Junior School, accessed from Morley Road and Deborah Drive, and Cavendish Close Infants School, accessed from Wood Road. This latter school also has an access, unused for many years, to Audrey Drive and I shall return to this.

The proposal is one of three currently being pursued in the City and, firstly, I need to explain the nature of them. This phase of Children's Centres is primarily about multi-agency working in the locality so that children and their families have easy access / referral to support services. This is part of the Council's broader work on Integrated Children's Services.

The centres are mainly going to act as the bases for professional staff to do outreach work with children and families. There will be some activities run from the Centre such as training courses for parents. These are likely to be small groups of 10 -12 people. The Health visitor /midwife will also spend time at the centre. This is likely to involve parents coming to the centre, or professionals doing outreach work. Parents will be encouraged to walk to these centres hence the proposal for limited staff car parking.

The Centres will have a small crèche (possibly 10 children) when parents are attending particular training events. At Oakwood Infant [Holbrook Road, Alvaston] and Cavendish Close Infant there will be additional day care provision for 3 year olds so that parents have access to full day care. This is likely to be around 16 children. This relates to the Council's / Government wider targets for easy access to full day care. The centres are required to be open for 48 weeks a year from 8 am to 6 pm. This is a specific requirement as part of the core function.

The current three schemes move the programme on from existing Children's Centres at Asterdale Primary, Becket Primary and Ashgate Nursery currently being built. The major difference between those schemes and this phase of Children's Centres is that there is no 0-3 baby care hence a smaller footprint of building and the focus on outreach multi-agency working in the locality, particularly in areas of

A APPLICATIONS (cont'd)

1 Code No: DER/1006/1562

high levels of deprivation. This is about easy referral and local access to family support services, working closely with local schools.

Audrey Drive is a cul-de-sac with 12 dwellings on its western side. The northern most two, close to Martin Drive, comprise a pair of ordinary family houses whilst the remaining ten are bungalows for elderly people. The eastern side of Audrey Drive comprises a lock-up garage court and an extensive school frontage. The proposal is to site the facility in the extreme north-western corner of the grounds and take access from Audrey Drive, some 35m south of its junction with Martin Drive. This would lead to a parking area for eight cars behind which would be the building.

This would be of some 314sq m with a height to the flat steel roof of 3.37m. It is of modular construction with walls that sit on a brick plinth, in white-painted render, windows and columns in powder-coated aluminium of a colour to be agreed.

Within the application boundary, a 2m footway would be constructed adjoining the eastern side of the Audrey Drive carriageway and outside the site this would be continued to join that on Martin Drive. This length would be undertaken as Highway Authority permitted development.

Separately to the children's centre a new day care unit is to be formed by alterations to part of the existing school. These works are shown on the drawings but largely do not require planning permission.

4. Relevant Planning History: None.

5. Implications of Proposal:

5.1 Economic: None except in the very broad sense that the centre's work is part of a wider programme to tackle social and educational deprivation and lead ultimately to more economically fruitful lives.

5.2 Design and Community Safety: Although the structural system is different, the proposal will have a similar appearance to the existing school. There are no specific community safety issues arising although I am aware that objectors see traffic safety as an issue. I comment on that in "Officer Opinion".

A APPLICATIONS (cont'd)

1 Code No: DER/1006/1562

5.3 Highways: Concern was expressed at the adequacy of the parking facilities and comment was also made about the specific design of the access and its visibility. These matters have been addressed in the amended plans.

5.4 Disabled People's Access: One disabled person's parking space is provided and the entire building will be accessible.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letter	9	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

- 7. Representations:** Nine objections were received to the original version of the scheme and these are in the Members' rooms. These are virtually all on access grounds, the main points being:
- Access should not be this way at all for the proposal.
 - Parking will be inadequate.
 - It would be acceptable if there were no route for general school traffic this way.

All objectors were notified of the amended plans but most have confirmed their objection. There is still objection to the principle of this unit being accessed from Audrey Drive and a lack of confidence that the "gate locking" will be observed. These later letters are also in the Members' rooms. Any further comments will be reported orally.

8. Consultations:

DofES (Arboricultural officer) – to be reported.
Police - to be reported.

9. Summary of policies most relevant:

GD1 - Social Inclusion
GD5 - Amenity
E10 - Renewable Energy
E17 - Landscaping Schemes
E23 - Design
E24 - Community Safety
LE1 - Educational facilities – general principles

A APPLICATIONS (cont'd)

1 Code No: DER/1006/1562

- L11 - New Community Facilities
- T4 - Access, Parking and Servicing
- T6 - Pedestrians
- T7 - Cyclists
- T10 - Access for Disabled People

The above is a summary of the policies that are relevant. Members should refer to their copy of the CDLP Review - 2006 for the full version.

- 10. Officer Opinion:** Primarily this proposal should be assessed under policies LE1 and L11, to reflect the hybrid nature of the use, with regard to policy T4.

Policy L11 allows for new community facilities provided that the proposal:

- a. Is well related to the population it is intended to serve
- b. Takes proper account in design terms of the character of its location
- c. Allows for adequate access and servicing facilities.

Policy LE1 has criteria as follows:

- a. It is well related to the public transport network and that traffic generated would not lead to major traffic management implications, a reduction in road safety or adversely affect the environment in the area
- b. A strategy is drawn up, such as a School Travel Plan, or an existing one reviewed, to encourage more staff, parents and children to walk, cycle or use public transport and car sharing schemes
- c. The proposal is in keeping with the general scale, character and levels of activity of the surrounding area
- d. In the case of development in residential areas, the site or building is sufficiently large and self contained to prevent unacceptable levels of disturbance to nearby properties.

Policy T4 requires adequate access by all classes of road user and adequate servicing. Provision for specialist groups is expanded on in policies T6, T7 and T10.

A APPLICATIONS (cont'd)

1 Code No: DER/1006/1562

These units are essential to the achievement of the objectives of this part of the Sure Start programme as described above. This one is well located in relation to the existing school buildings. Whilst I had some reservations, prior to the design being prepared, about the use of modular construction I can say that the result has turned out to be quite complementary to the original school buildings.

The application did generate a substantial and unexpected level of objection on access grounds. Many years ago there was a considerable nuisance caused by parents parking in Audrey Drive when bringing and collecting children. This was resolved by the school agreeing to close all access in that direction and use only the main access to Wood Road. I must make it clear that this was a voluntary arrangement with no involvement of the planning system and the school could, if it so wished, re-instate the use of Audrey Drive at any time.

The school has agreed that the security fence between this unit and the main school grounds will normally be locked and will be opened only by staff for individual movements through it, being re-locked afterwards. This will ensure that no use can be made of Audrey Drive by general school traffic.

The amended plan makes detailed improvements to the footway, access, internal paths and visibility for emerging vehicles, and includes the provision of a footway on the eastern side of Audrey Drive from Martin Drive to the southern edge of the unit's frontage, a total of some 50m. Parking is increased to eight with an indication of where another three could go. On the basis of the flows indicated on the application form of four staff cars, this should leave three plus the one disabled to cater for the 10 -15 visitor cars per day. I consider that this arrangement should suffice with the fall-back position of more in the future if experience warrants it.

The alterations cannot deal with those objectors who do not want access, in principle, to the centre to be from Audrey Drive. The road is of an adequate standard for the relatively low numbers likely to be involved. The new length of footway will be of general benefit although I accept that residents would normally continue to use that on the western side of the road. I am satisfied that the nature of the unit is such that access independent of the school is very desirable and that a route through the school grounds should not be asked for.

Members will be well aware of the friction that can arise between schools and nearby residents, and that this is often more marked where, as here, the nearest houses are for elderly people. I believe

A APPLICATIONS (cont'd)

1 Code No: DER/1006/1562

that the amendments that have been negotiated will reduce the impact of the development to an acceptable minimum and will, by the recommended condition 5, formalise the degree of protection from general school traffic that has been effectively in place on a voluntary basis for many years.

11. Recommended decision and summary of reasons:

11.1 To grant permission, with conditions, for the purposes of Regulation 3 of the Town and Country Planning (General) Regulations 1992.

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material considerations. In its amended form it is consistent with those policies subject to the observance of the conditions imposed.

11.3 Conditions

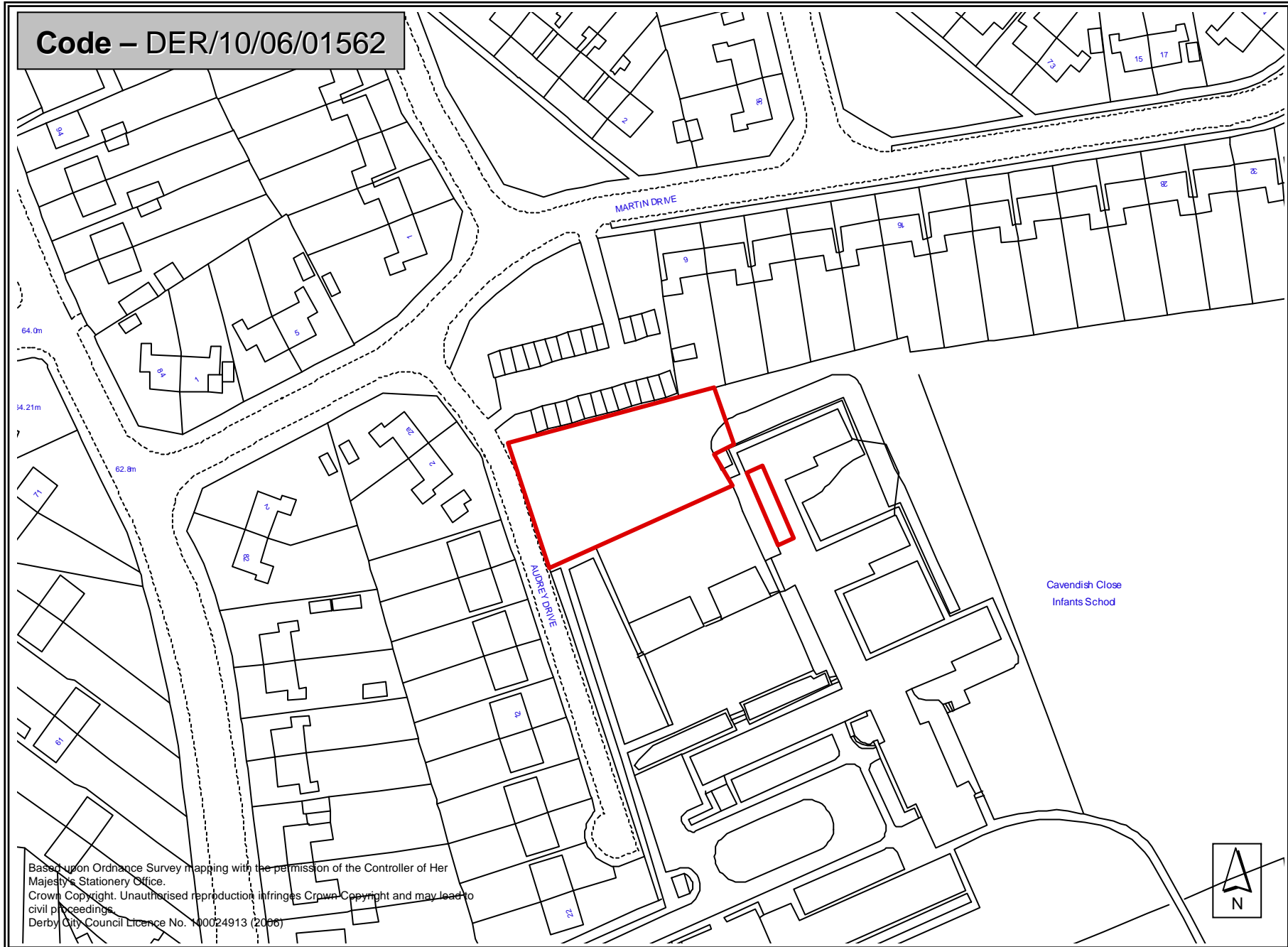
1. Standard condition 84 (amended plans) (insert: 3721 172 Rev B, U0968_02 RevB and U0968_01 RevC).
2. Standard condition 27 (materials)
3. Standard condition 20 (landscaping)
4. Standard condition 22 (landscaping maintenance) (insert: "3")
5. The school authorities shall ensure that the arrangements for separation of the unit's curtilage from the main part of the school, and for the closing of the access gates to Audrey Drive, are maintained as set out in the applicant's letter dated 15 November 2006.

11.4 Reasons

1. Standard Reason E04.
2. Standard Reason E14
3. Standard Reason E10
4. Standard Reason E10
5. To prevent excessive levels of vehicular and pedestrian traffic using Audrey Drive, to the detriment of the amenity and convenience of access of residents in accordance with the objectives of policy T4 of the adopted City of Derby Local Plan Review – 2006.

11.5 S106 requirements where appropriate: None.

Code – DER/10/06/01562



B1 APPLICATIONS

1 Code No: DER/906/1544

Type: Full

1. **Address:** St. Georges House, St. Georges Close, Allestree
2. **Proposal:** Pruning of 12 Lime trees, protected by Tree Preservation Order No.288 (2001)
3. **Description:** This application for works to trees covered by a Tree Preservation Order, relates to a group of 12 mature Lime trees, which are protected as part of an Area Order covering all the trees on St. Georges Close. This group of trees is arranged in two rows to the north and south of the three storey apartment block on St. Georges Close. The apartment block lies at the western end of the Close and the trees are in relative close proximity to the building. The site is surrounded on two sides by traditional detached dwellings on Devonshire Avenue and Cavendish Avenue.

It is proposed to prune the Lime trees, by removal of branches which are in close proximity to the apartment block.

This application is brought to Committee following requests for Committee consideration from Councillor Hickson and Councillor Baxter.

4. **Relevant Planning History:**

DER/404/731 – Crown lifting of Lime trees, TPO application refused – June 2004

DER/803/1492 – Crown lift to 3 metres of Lime trees, TPO application granted – October 2003

DER/1102/1492 – Crown lift to 3 metres various trees, TPO application granted – January 2003

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** None.

5.3 **Highways:** None.

5.4 **Disabled People's Access:** None.

5.5 **Other Environmental:** The Limes are mature trees arranged in two rows along the boundaries of the site. They are a prominent group in an

B1 APPLICATIONS (cont'd)

1 Code No: DER/906/1544

elevated position in the streetscene and are protected under an Area Order.

6. Publicity:

Neighbour Notification letter	11	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

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

- The apartments were built in the knowledge that the trees were present and occupiers should accept this. The trees should therefore be damaged as little as possible
- Removal of further branches would leave very little of the trees and undermine privacy for nearby residents
- There is no need for further pruning, which would harm the appearance of the trees.

8. Consultations:

DEnvS (Arboricultural) – Recommend approval for pruning of branches to maintain a clearance of 3 metres from the building.

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

E9 - Trees

The above is a summary of the policy that is relevant. Members should refer to their copy of the CDLPR Review 2006 for the full version.

10. Officer Opinion: The Lime trees form two dense groups, which have significant amenity value in the surrounding area. They are adjacent to a three storey apartment block and some branches are in close proximity to the side elevations of the building. The trees appear to be in good health and are an attractive feature of the local streetscene.

Consent was given in 2003 for crown lifting of this group of trees to 3 metres high. This was sought to allow more daylight and improve amenities for the residential development, erected close to the protected trees. It appears that this pruning has been undertaken. The

B1 APPLICATIONS (cont'd)

1 Code No: DER/906/1544

current proposal would involve pruning of branches which are closest to the apartment block, to limit contact with the building and preserve residential amenities. This work would be minor in nature and limited to removal of overhanging branches. This would not unduly affect the appearance or shape of the trees and the overall impact on the appearance of the continuous canopy of the group would be limited. Although the apartments are located close to the protected trees, it is considered that they have a satisfactory relationship with the trees. The living conditions for residents are unduly oppressed by them, although the trees do require management in these circumstances to maintain residents amenities and the long term retention of the trees. The level of pruning works would be controlled by condition to ensure that the amenity value of the trees would not be compromised. In this case a condition could be attached to ensure that the pruning back of branches would form a maximum 3 metre clearance from the building. The Council's Arboricultural Officer has raised no objections to this proposal, subject to this restriction on the level of pruning.

The proposed branch removal would involve limited intrusion to the lower canopy of the trees and as such these works would not result in greater views through the trees of neighbouring residential properties. The potential overlooking and loss of privacy arising from this proposal would therefore be minimal.

Overall I am satisfied that this proposal is for a limited form of pruning, which would cause minimal harm to the appearance or condition of the protected trees. It would also maintain the visual amenities of the surrounding area. It is therefore recommended that consent be granted.

11. Recommended decision and summary of reasons:

11.1 To grant consent with conditions.

11.2 Summary of reasons:

11.3 Conditions

1. Any bough agreed to be removed or shortened, in order to achieve the 3 metre clearance from the apartment building, shall be cut back to a suitable point such as the branch collar or suitably positioned secondary branch and the branch collar shall be left intact. Climbing irons or 'spikes' shall not be used.
2. Standard condition 65 (time limit)

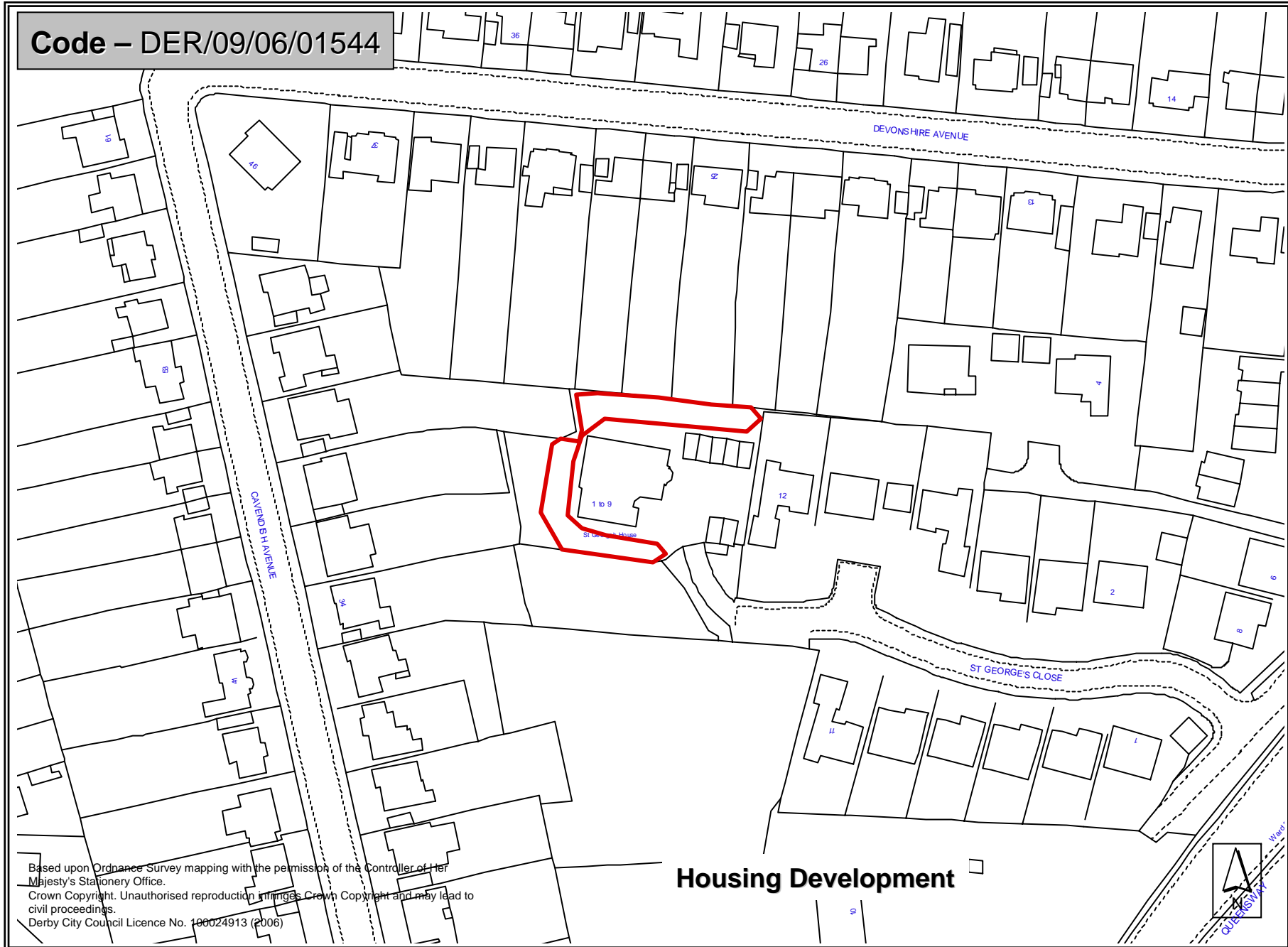
B1 APPLICATIONS (cont'd)

1 Code No: DER/906/1544

11.4 Reasons

1. Standard reason E32
2. Standard reason E33

Code – DER/09/06/01544



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100024913 (2006)

Housing Development



B1 APPLICATIONS (cont'd)

2 Code No: DER/1106/1859

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:** 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 sites 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.

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 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.

B1 APPLICATIONS (cont'd)

2 Code No: DER/1106/1859

5.3 Highways: The proposal includes 16 no. parking spaces which is satisfactory as it includes for 20% parking on the fronting properties. Shared use of the access road is acceptable and I note provision for refuse/recycling bins within the 1 m 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: Recommend that one lifetime home dwelling is secured. The remainder of 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:

At the time of drafting this report, three objections to this application had been received including one from Councillor Tittley. The application is being reported to the Committee at the request of Councillor Tittley and in anticipation of further objections being raised. Any additional letters that are received will be made available for the Members.

The nature of the objections raised, relate to:

- The site not constituting brownfield land but is a valuable green space
- The development resulting in increased traffic and congestion on Weston Park Avenue

B1 APPLICATIONS (cont'd)

2 Code No: DER/1106/1859

- Local infrastructure being unable to accommodate additional housing
- The development being out of keeping with the character of other houses in the street
- Increased noise and light pollution
- Loss of privacy and lights for neighbouring residents.

8. Consultations:

DCommS (Arboriculture) - To be reported.

DWT - To be reported.

Natural England - Is satisfied that an appropriate bat survey has been carried out and no objections are raised to the application in relation to bats.

Crime Prevention Design Advisor - To be reported.

9. Summary of policies most relevant: Adopted CDLP-R:

- 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: There are no objections in principle to the residential redevelopment of this site. The site is located in a residential area and the site 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 PPG3. At 0.16 hectare in size, the proposal offers a development of 56 dwellings per hectare.

B1 APPLICATIONS (cont'd)

2 Code No: DER/1106/1859

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. 72, 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. 72 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.

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

B1 APPLICATIONS (cont'd)

2 Code No: DER/1106/1859

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 72 Weston Park Avenue, given that this neighbouring property is a bungalow and it has its principal windows less than 6m from the application sites 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. 72. 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 all 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. As Natural England have not objected to the application, I do not consider it appropriate to add further conditions to any planning permission to require further survey of the building to be undertaken at the point of demolition of the existing bungalow.

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.

I have noted the objections raised by local residents but overall, I consider that this proposal offers a satisfactory form of development for this site. In view of the greater density of residential units it is proposed to provide, the application offers a more efficient use of the site in accordance with Government advice.

B1 APPLICATIONS (cont'd)

2 Code No: DER/1106/1859

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. Standard condition 27 (materials)
2. Standard condition 20 (approval of landscaping scheme)
3. Standard condition 22 (landscaping within 12 months (condition 2)
4. Standard condition 24A (vegetation – protection incl. overhanging
5. Standard condition 19 (means of enclosure)
6. Standard condition 30 (surfaces to be drained, surface etc)

7. 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.

8. The south facing roof slopes shall have full regard to the need to reduce energy consumption, and a scheme shall be submitted to, and approved 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 respective dwelling is occupied unless otherwise agreed in writing by the Local Planning Authority.

9. 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 E14....policies H13/E23
2. Standard reason E14policies H13/E23/E17
3. Standard reason E14....policies H13/E23/E17
4. Standard reason E29....policy E9
5. Standard reason E14....policies H13/E23
6. Standard reason E14....policy H13
7. Standard reason E21

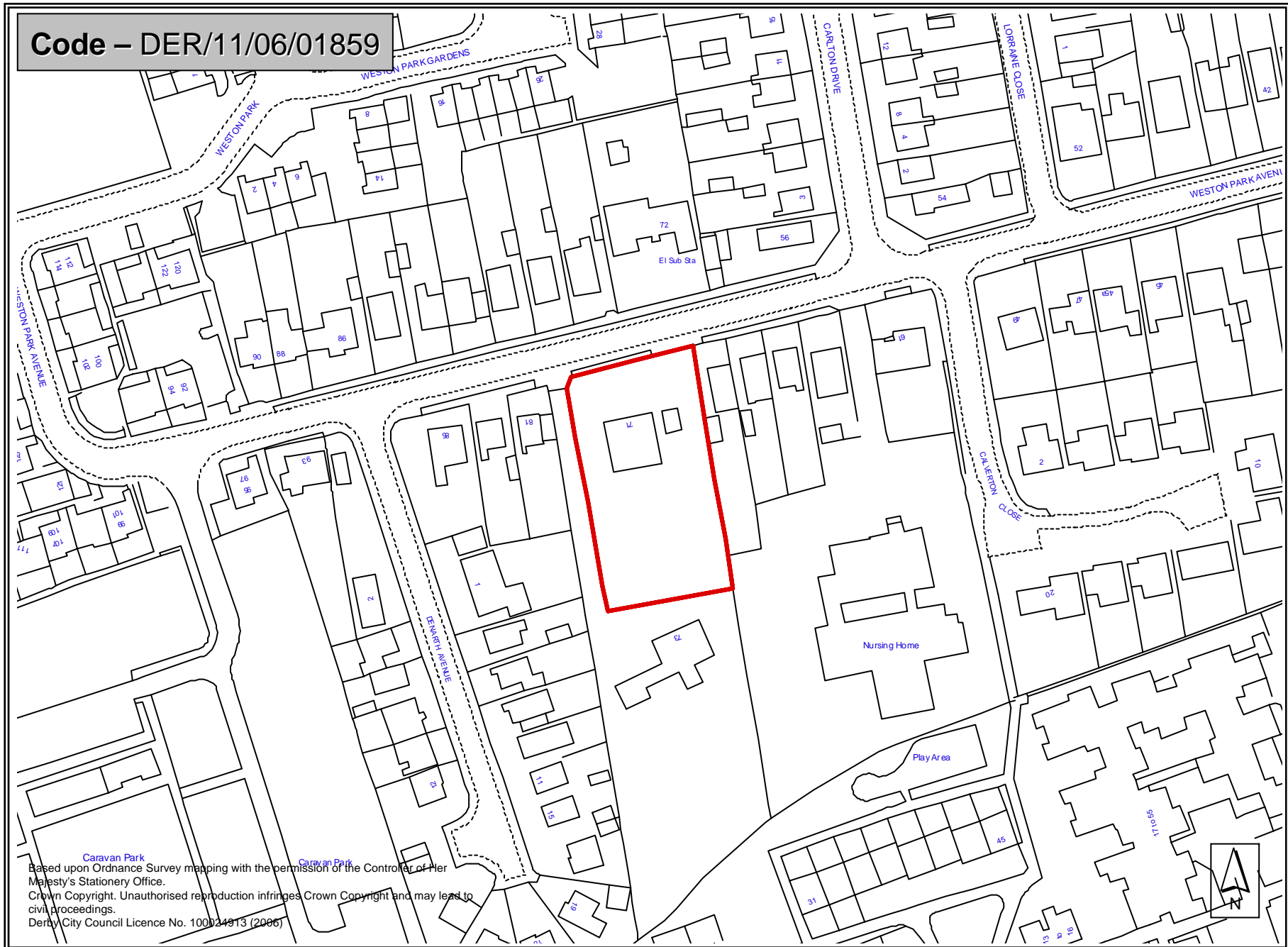
B1 APPLICATIONS (cont'd)

2 Code No: DER/1106/1859

8. Dwellings that are south facing or have south facing roofs, having solar panels and/or wind turbines, and include water conservation measures 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 2006.
9. Standard reason E07 ... policy H13

11.5 S106 requirements where appropriate: None

Code – DER/11/06/01859



Caravan Park
Based upon Ordnance Survey mapping with the permission of the Controller of Her
Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to
civil proceedings.
Derby City Council Licence No. 100024913 (2006)

B1 APPLICATIONS (cont'd)

3 Code No: DER/1006/1594

Type: Full

1. **Address:** 9 Sovereign Way, Oakwood.
2. **Proposal:** Change of use from dwelling house to dual use as dwelling house and counselling rooms.
3. **Description:** This property is in the north-eastern part of Oakwood, Sovereign Way being a cul-de-sac off Morley Road just south of Lime Lane. No 9 is a detached dwelling situated with one other on a private drive on its southern side, between Nos. 7 and 13.

The application seeks permission to use one room for limited periods for group meetings for weight counselling. The average number attending would be from 7 to 9 persons with a maximum of 10. The periods are:

Monday	– 1830 to 2200.
Tuesday	– 1900 to 2100.
Wednesday	– 1830 to 2200.
Thursday	– 1830 to 2130.
Saturday	– 1030 to 1200; 1230 to 1530; 1600 to 1800.

This totals 18½ hours a week, although realistically the short breaks on a Saturday are perhaps irrelevant and there could be some additional time at the beginning and end of sessions where people are present.

At other times the accommodation is used for normal domestic purposes.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** The weight counselling service provides income for the householders.
 - 5.2 **Design and Community Safety:** None.
 - 5.3 **Highways:** A number of site observations have been undertaken at certain times in the evening and Saturday, particularly changeover sessions at 2000 on a Thursday when parking congestion is alleged to be significant.

The surveys indicated very little customer on-street parking occurring, a few customers being dropped off by private cars, two persons parking within the nearby pub car park and walking to the site, and one

B1 **APPLICATIONS** (cont'd)

3 **Code No:** DER/1006/1594

or two persons arriving on foot. There was very little evidence of customers using the parking areas within the private drive.

Sovereign Way is a residential cul-de-sac with adequate off street parking for fronting dwellings and on the evidence of the survey observations the use does not appear to be causing any on-street parking congestion or disruption to passing traffic.

I am therefore unable to justify highway objections to the proposed change of use, but it may be appropriate to require a Travel Plan in view of the number of sessions taking place in order to discourage car borne customers.

5.4 Disabled People's Access: Not applicable.

5.5 Other Environmental: None.

6. **Publicity:**

Neighbour Notification letter	8	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Seven letters of objection have been received and will be placed in the Members' rooms. One of these is a petition signed by 18 people but there is overlap in that five of the writers of individual letters are also signatories. Councillor Smalley has objected and will, I understand, attend the meeting.

The grounds are the detrimental effect of extra traffic, obstruction of the highway and noise of visitors coming and going. Some impacts are described that relate more to what is allegedly being carried on at the moment rather than what is set out in the application and these are therefore more in the way of complaints than objections to an application.

8. Consultations: No responses received.

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

GD5 - Amenity.

EP13 - (Business and Industrial Development in other areas) and L11 (Community facilities) have some limited relevance.

B1 APPLICATIONS (cont'd)

3 Code No: DER/1006/1594

The above is a summary of the policies that are relevant. Members should refer to their copy of the CDLP Review - 2006 for the full version.

Regard should also be had to PPG4, "Industrial and commercial Development and Small Firms", particularly paragraphs 13 to 15.

- 10. Officer Opinion:** This application has been made following complaints and investigations by my enforcement staff about activities currently carried on at the premises. The first task for the Local Planning Authority is to determine whether what is set out in the application is development. This may be a slightly different matter to what is happening at the moment.

With "part-time" uses, where there are no adaptations to the premises, no specialist equipment installed and where the space involved is used as ordinary living accommodation for the majority of the time, it is difficult to judge the point where those activities reach such a scale as to constitute a change of use.

The planning system has to tolerate, within a dwelling house, activities that would not be carried on by most people but which have to be regarded as reasonable in sense that some people will have interests that involve visitors other than for purely domestic or social purposes. These could include membership of a political, religious, cultural or service organisation that involves periodic group meetings. It could include the provision of professional services by, for example, a doctor or a music teacher and in all such cases there is case law that indicates that no change of use is involved.

Apart from the proviso that the dominant use shall remain that of a dwelling house, two main features have to be evident in relation to visitors. These are that:

- (a) Group visits (eg committee meetings) where the very numbers coming and going can cause disturbance and parking problems, must be at reasonable intervals. No "acceptable frequency" is prescribed but one would, I think, probably have to accept one a week. This principle can be applied to meetings in the sense of gatherings to deal with any voluntary or commercial business; it cannot be applied to parties and the nuisance that such can cause cannot be addressed through planning control.
- (b) Visits by individuals can take place more or less continuously, so the music teacher example could have one pupil an hour for the normal working day. The extra activity could cause some

B1 APPLICATIONS (cont'd)

3 Code No: DER/1006/1594

discernable impact but not of a scale that would constitute a change of use.

The schedule supplied with this application totals 18½ hours, 11% of the hours in a week and for the other 89% of the time the room is used as part of the ordinary domestic accommodation. People arriving a little early and leaving a little late could make 20 hours of activity more realistic and the longer evening periods have two sessions with a changeover half-way through.

A simple comparison of “counselling” and “domestic” time shows that domestic use is overwhelming but that is not the true test. Permission for the counselling sessions is sought to operate on five days, four being weekday evenings and then a concentration of three sessions during Saturday daytime. A total of 11 separate sessions is identified, to each of which groups will come and go with attendant visual impact, some noise and some parking demands that cannot be satisfied within the property.

My conclusion is that the totality of impacts is such that the activities go beyond what could reasonably be expected at a dwelling house and that a change of use has occurred. The application can therefore be determined as submitted.

The key factor in determination is in policy GD5, which says that permission will only be granted if the development would not cause unacceptable harm to the amenity of nearby areas, one of the criteria being “noise...” and another “traffic generation, access and parking”. Policy EP13 has a similar qualification for residential amenity as has L11 in relation to access and serving facilities. I have to advise that neither of these two policies is a perfect fit to the current circumstances as the development is essentially a part-time class D1 use, not the business uses that policy EP13 specifically applies to, and classification within L11 as a “health care” activity is a little tenuous.

There is no adverse impact on amenity from activities within the premises and I do not consider that the impact of people walking to the property can produce a significant adverse impact. Impact from traffic therefore needs to be considered.

For a relatively small-scale activity a substantial monitoring exercise has been carried out by the Department's Highways Officers and Members will have seen in “Highway Implications” that there is no objection from a capacity, safety or noise aspect.

B1 APPLICATIONS (cont'd)

3 Code No: DER/1006/1594

Noise is perhaps more of an amenity issue than a mainstream traffic matter. Residents' attitude to noise tends to be coloured by its origin. Traffic noise, that is car engine noise and doors closing, is much more tolerable when it arises from routine domestic journeys by other residents than from activities that are by strangers and are perceived as being related to business activities that are, in themselves, unwelcome.

This is a difficult case; such impact as there is comes from the visual, and noise-related aspects of parking cars in the vicinity. I doubt if operating the counselling service with some sort of prohibition on highway parking would be practical because any condition would only be able to require the operators to instruct clients not to do so; it could not "bite" against the actual parkers. Parking at the nearby public house would be useful but again I would hesitate to formalise this as it would involve "double counting" of those spaces. Also, whilst unlikely to lead to complaint, it would strictly speaking create, at the public house, the same sort of change of use from a single to a dual use that we have at the application site.

I feel that a decision has to be made on the basis of the application, which is that there is just one on-site space available, an informal arrangement to use the public house car park but that some visitors will park on the highway. Whilst it is finely balanced, my view is that the scale of operation set out in the application, which is very close to current practices, is acceptable and that permission can properly be given subject to conditions limiting the hours of operation and also for a temporary period to assess more fully the impact and the practicality of enforcing the conditions.

11. Recommended decision and summary of reasons:

11.1 Permission be granted with conditions.

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material considerations. It is considered that it is acceptable subject to the conditions and for a period sufficient to enable a more thorough assessment of impact to be made.

11.3 Conditions

1. The use shall cease on 31 December 2007 unless the Local Planning Authority has, on an application made to it for that purpose, granted permission for an extended period.

B1 APPLICATIONS (cont'd)

3 Code No: DER/1006/1594

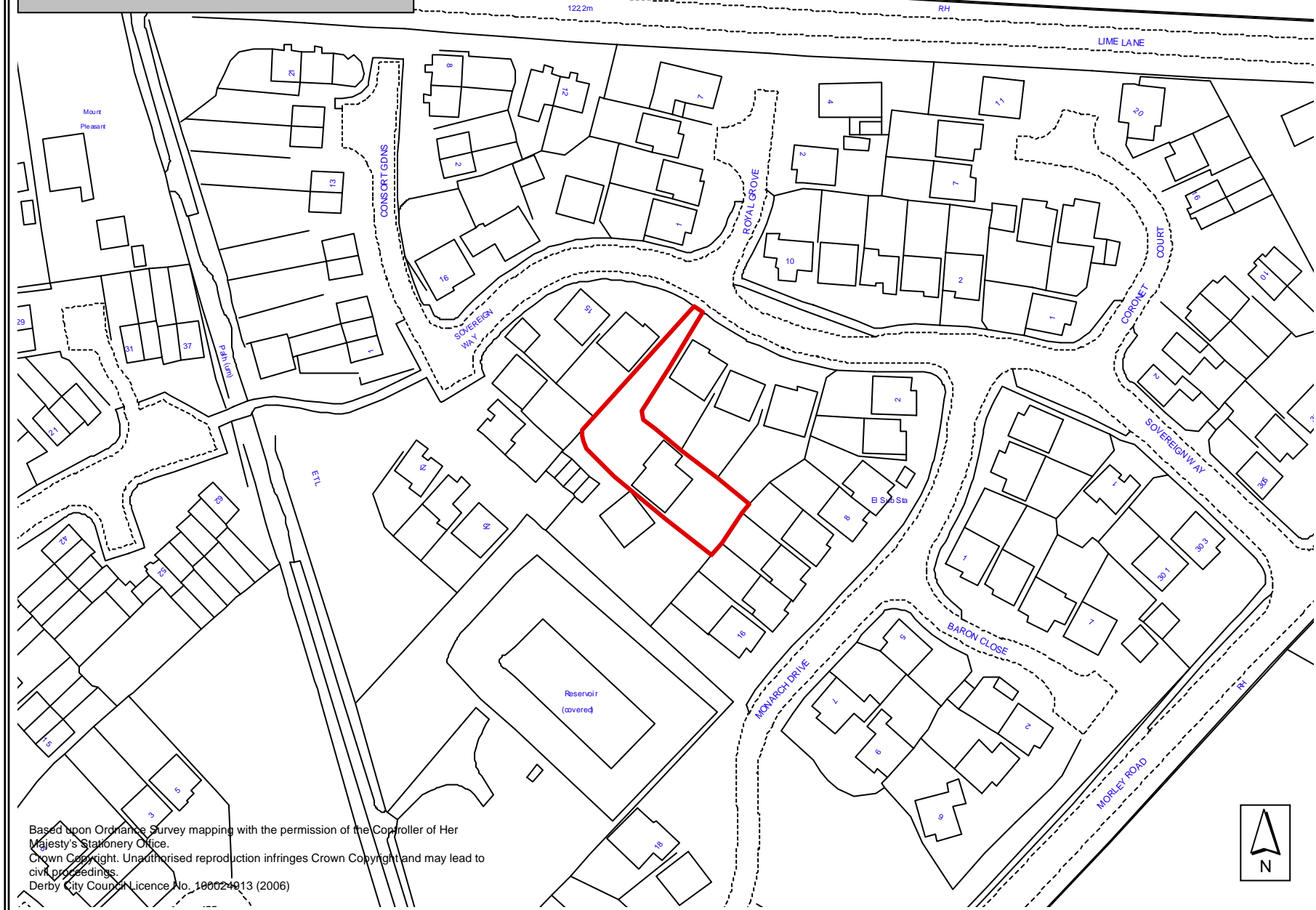
2. Hours and days of operation shall be limited to the following:
 - (a) Group sessions of not more than 18½ hours in any week, either to the schedule set out in the application or to such other schedule as may be notified in advance to the Local Planning Authority;
 - (b) No sessions between 2200 hours and 0900 hours or at any time on a Sunday or public holiday;
 - (c) No sessions to cater for more than ten people.

11.4 Reasons

1. To enable the Local Planning Authority to assess the impact of the use over an adequate period and in compliance with the conditions set out in (2) below in accordance with the objectives of policy GD5 of the adopted City of Derby Local Plan Review – 2006.
2. To ensure that the amenities of nearby dwellings are not significantly adversely affected in accordance with the objectives of policy GD5(d) and (g) of the adopted City of Derby Local Plan Review – 2006.

11.5 S106 requirements where appropriate: None.

Code – DER/10/06/01594



B1 APPLICATIONS (cont'd)

4 Code No: DER/206/317

Type: Full

1. **Address:** 'Trelawney', 16 Parkfields Drive
2. **Proposal:** Demolition of bungalow and erection of 2 storey dwelling including basement.
3. **Description:** Full planning permission is sought to demolish the existing bungalow that occupies this site and erect a 2 storey dwelling house. It is in effect a bungalow from the front but by utilising the ground topography it is possible to construct a basement below the main floor, hence for clarity it is in effect a two storey dwelling. The site is located at the east end of Parkfields Drive and is served by a private drive from the main Parkfields Drive turning head. The site is surrounded by residential dwellings and Arthur Hind Close is located beyond the rear, eastern, boundary. The principal neighbours in this case are no. 18 Parkfields Drive and no. 14 which is included on the City Council's Local List. Both of those neighbouring dwellings are sited forward of the existing bungalow which sits at a slightly higher ground level. There are a number of trees which surround the site and there is a TPO which covers a small part of the south-eastern corner of the rear garden.

The proposed replacement dwelling is a detached building that would have a rectangular footprint of approximately 14m in length and 9m in breadth. The proposed construction would have a basement and a ground floor level and the site would be excavated to accommodate the development. The internal floorspace of the proposed dwelling would access external terraces around the basement and ground floor level. The generous overhang of the proposed pitched roof would shield the external terraces from the elements. The proposed roof ridge would be approximately 5m in height from ground floor level and the ridge would be marginally greater in height than the existing bungalow. The proposal would be positioned more centrally on the site and the main floorspace of the dwelling would be sited approximately 4m from the southern boundary. This distance compares favourably to the existing bungalow which sits approximately 1.5m from that boundary.

The proposed dwelling would accommodate a large amount of glazing on the principal east, west and south facing elevations and the proposed post and beam construction would be manufactured from laminated timbers. The proposal is a contemporary design and this is married with a contemporary method of construction. The proposed dwelling is provided by HUF HAUS and the company strives to provide innovative building designs with ecological benefits. The submitted design statement and ecological benefits of the proposal are reproduced for Members attention and highlighted components of the proposal are:

B1 APPLICATIONS

4 Code No: DER/806/1360

- The HUF HAUS construction is erected from foundations to roof in just 1 week and it is claimed that the building process is less obtrusive and quieter than conventional building systems
- HUF HAUS is a passive solar house with less energy consumption due to the use of the solar-heat gain
- HUF HAUS uses double glazed, Argon filled, low emission glazing and the insulated glass would provide free solar heat.

4. **Relevant Planning History:** None of relevance.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** I raise no objections to the contemporary design and scale of the proposal in this location. It would replace a modest bungalow which does not possess any significant architectural features.

5.3 **Highways:** There are no highways objections to the proposal.

5.4 **Disabled People's Access:** The Building Regulations will control accessibility to and within the dwelling. The proposed dwelling would include a lift.

5.5 **Other Environmental:** There are positive ecological features included in the building's design.

6. **Publicity:**

Neighbour Notification letter	8	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** A total of seven letters of objection have been submitted in response to this application and copies of the letters are reproduced. The objectors primarily raise strong concerns about the access problems that may be experienced by heavy vehicles which would have to use the narrow private drive to access the site during the period of construction.

...

B1 APPLICATIONS

4 Code No: DER/806/1360

8. Consultations:

Comm Services – no comments received during the consultation period.

DWT - The Trust recommends that an Extended Phase 1 Habitat Survey is completed by a suitable qualified ecological consultant, which includes an assessment of the two ponds suitability to support great crested newts and other amphibians. In addition an internal and external bat survey of the bungalow and the garage should be carried out by a competent ecologist at an appropriate time of year to establish whether bats or evidence of roosting bats are present within the bungalow. It is recommended that these surveys are completed prior to the determination of the planning application.

I have passed this advice to the applicant and any reports will be presented at the meeting.

9. Summary of policies most relevant:

The most relevant policies of the adopted CDLPR are:

- GD4 - Design and the Urban Environment
- GD5 - Amenity
- E7 - Protection of Habitats
- E9 - Trees
- E10 - Renewable Energy
- H13 - Residential development – General Criteria
- E23 - Design
- T4 - Access, parking and servicing

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

Officer Opinion:

Principle

The main planning policy issues in this case surround the ability to create a satisfactory form and design of development and a high quality living environment on the site. The proposed floor layouts of the dwelling would provide an acceptable living environment for future occupiers in terms of internal space, access to high levels of sunlight through the building and an acceptable relationship to peripheral landscaping and trees. In my opinion the contemporary design of the proposal would be an improvement over the existing bungalow and the siting of the proposal would be more centrally positioned on-site away

B1 APPLICATIONS

4 Code No: DER/806/1360

from the side boundary with the neighbouring dwelling, no. 14 Parkfields Drive.

Amenity and Overlooking

In my opinion, the most affected neighbouring properties are nos. 14 and 18 Parkfields Drive. These properties sit forward of the application site and the proposed dwelling would be sited at a higher ground level than these neighbours. The neighbour at no. 18 has habitable windows on the side facing, south-east, elevation and no. 14 is quite well screened on the side boundary up to the line of the front elevation of the existing bungalow.

I am satisfied with the scale and 'overlooking potential' from the proposed dwelling into the neighbouring sites. The existing bungalow accommodates two bay windows on the front elevation and two bay windows on the side, south, elevation which serve habitable accommodation. The proposed dwelling would also include habitable accommodation on these elevations but the dwelling would be moved further into the site and the higher level glazing in the proposed front elevation would be largely for sunlight intake as opposed to overlooking potential. The overall height of the proposal would be marginally greater in height than the existing dwelling but, in my opinion, it would be extremely difficult to sustain a refusal on overlooking grounds, particularly given the favourable siting of the new dwelling.

Trees

There have been no comments to the application from our Arboricultural Team and a safeguarding condition would be attached to any permission to protect the trees and vegetation that exist on and adjoining the site. A Cypress tree on-site would be felled but, in my opinion, the tree is not worthy of protection in public visual amenity terms.

Objector's Concerns

This planning application has generated a relatively large amount of local objection. Concerns are primarily expressed about vehicle access to the site during the period of construction and I have sought clarification on this matter from the applicant. The proposed method of construction, which is over a short time frame, involves the use of heavy vehicles and crane to place the building on-site. Parkfields Drive is a narrow private drive and the access breadth into the site is approximately 2.5m. The applicant has stated that they attempted to gain access rights to deliver the building from Arthur Hind Close. I am advised that the top section of the Arthur Hind Close is a private drive

B1 APPLICATIONS

4 Code No: DER/806/1360

and the owners have denied the applicant the right to deliver the proposed building from there. The issue should not, however, cloud

judgement over the material planning merits of this application. There are no over-riding highways objections to the application.

Ecology

The existing ponds on site sit adjacent to the east boundary and the existing garage in the northern part of the site. The siting of the proposed development would not impact on those ponds and the Council could not prevent the applicant from doing anything to them. The applicant would, however, have responsibilities to adhere to separate forms of legislation should the ponds host protected species.

Conclusion

I am generally satisfied that the siting, design and sustainable build / maintenance components of this development are commendable and the proposal would make a positive contribution to the surrounding built context for these reasons.

10. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9. above. The proposal is considered an acceptable form of development in siting, design, street-scene and residential amenity terms.

11.3 Condition

1. Standard condition 27 (external materials).
2. Standard condition 24A (protection incl overhanging)
3. Standard condition 19 (means of enclosure)
4. Before any development is commenced, including demolition of the existing bungalow, the following shall be undertaken (unless otherwise agreed in writing by the Local Planning Authority):
 - (a) a survey of roosting bats in the building and the potential for roosting bats in the building shall be undertaken at an agreed time. This shall be in the form of emergence/roost survey to determine the exact nature of bat presence on-site.

B1 APPLICATIONS

4 Code No: DER/806/1360

Depending on the results of the survey work:

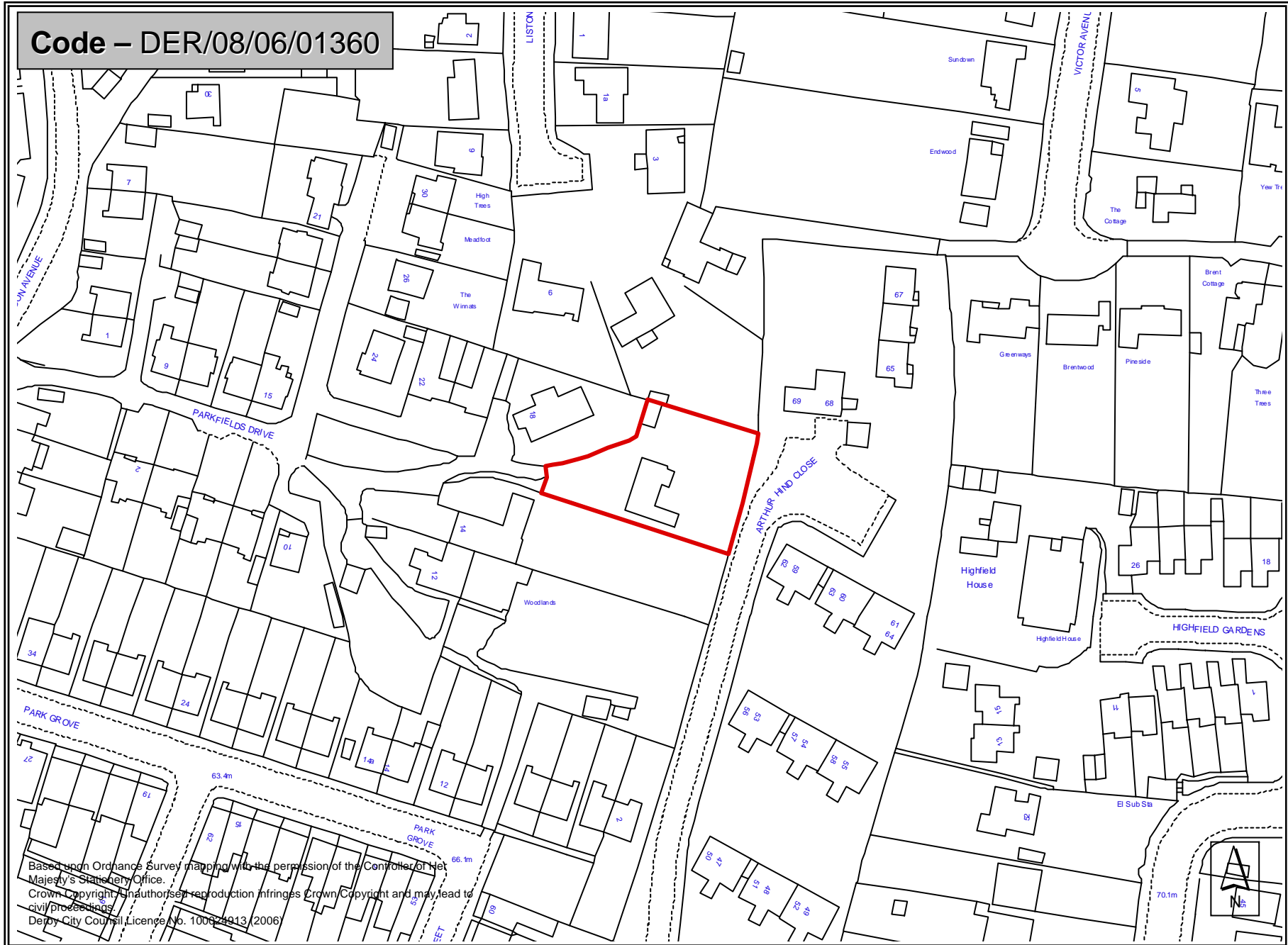
- (b) necessary measures to protect the species through mitigation proposals shall be submitted to and agreed in writing by the Local Planning Authority.
- (c) all such agreed measures shall be implemented in their entirety.
- (d) a DEFRA licence shall be secured to legitimise destruction of any bat roost.

11.4 Reason

1. Standard reason E14 and in accordance with policy H13 and E23.
2. Standard reason E24 and in accordance with policy E9.
3. Standard reason E09 and in accordance with policy H13.
4. To ensure that the existence of bat roosts on the site is fully investigated and that there is minimal disturbance and protection of this protected species in accordance with the principles of PPS9 – Nature Conservation and policy E7 of the adopted CDLPR.

11.5 S106 requirements where appropriate: -

Code – DER/08/06/01360



B1 APPLICATIONS (cont'd)

5 Code No: DER/1006/1632

Type: Change of Use

1. **Address:** 4-6 Scarborough Rise, Derby
2. **Proposal:** Change of use from retail (use class A1) to hot food shop (use class A5)
3. **Description:** The proposed hot food shop would be situated within a neighbourhood centre. The centre currently contains five units, with three in A1 use (including the application unit which is still operating as a newsagents) one in A5 and one in A4.
4. **Relevant Planning History:** No history.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** None.
 - 5.3 **Highways:** The proposed use is not significantly different as regards customer parking/visits from the existing use, therefore there are no objections.
 - 5.4 **Disabled People's Access:** None.
 - 5.5 **Other Environmental:** See consultations.
6. **Publicity:**

Neighbour Notification letter	5	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** Two letters of objection, a petition against the proposal with 74 signatures, and one letter of support have been received and these are reproduced. Objections are summarised below:
 - The proposal would result in the loss of a local paper shop
 - Concerns over increased gatherings of young people and potential increase in crime and disorder in the area
 - Environmental concerns over increased litter, and cleanliness of the immediate environment

B1 APPLICATIONS (cont'd)

5 Code No: DER/1006/1632

- There is already a hot food takeaway within the locality

The letter of support is summarised below:

- The proposal will bring new customers and trade to the area
- The proposal will provide an extra facility
- The possibility of creation of more jobs in the area could help local people living in the area

8. Consultations:

DCS (Health) – No objections, however details of the proposed ventilation system to be installed should be approved by this Department before any work starts.

Building Control – No comment

9. Summary of policies most relevant: CDLPR policies:

- GD5 - Amenity
- S1 - Shopping Hierarchy
- S3 - District and Neighbourhood Centres
- S12 - Financial and Professional Services and Food and Drink Uses
- 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: The site of the proposal is in a Neighbourhood Centre where S3 allows for shops and other complementary uses serving a local need. This is provided that the proposal is compatible with the general scale, nature and function of the centre and would not detract from its vitality and viability including by reducing the proportion of ground floor frontage in A1 usage.

At present there are 3 units with A1 (shop) use (including the application unit), 1 in (Hot food takeaway) A5 and 1 in (Drinking Establishment) A4 use. The proportion of units in A1 use is therefore currently 60%, and the proposal would decrease this to 40%. There is no definitive level below which the vitality and viability of the centre may be adversely affected however for a refusal to be sustained, particular harm to the centre would have to be identified. In this case one of the A1 units that would remain is a Co-Op store which would maintain a convenience shopping presence within the centre.

B1 APPLICATIONS (cont'd)

5 Code No: DER/1006/1632

I believe that the proposal maintains a satisfactory level of amenity within the centre, and would not cause significant unacceptable harm to the amenity of nearby areas. There would be no substantial change in parking arrangements and I am satisfied that the proposal would not have an unacceptable impact on parking and free flow of traffic. I am also satisfied that, subject to there being a satisfactory ventilation system and flue installed, the proposal would not unreasonably harm residential amenities.

The objections received refer to concerns over increased gatherings of young people and potential increase in crime and disorder in the area. I have received a letter from Derbyshire Police Constabulary following the receipt of an objection letter to them directly. They state that they are aware of issues of youths congregating near to the adjacent hot food shop within the centre, and that an Inspector is currently addressing this, therefore they cannot object purely on this matter.

In summary, I am of the view that circumstances would not significantly change with the additional A5 use in the neighbourhood centre, therefore permission should be granted. I am satisfied that the proposal complies with planning policy.

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 City of Derby Local Plan and all other material considerations as indicated in 9 above. The proposal is acceptable as it is not considered to significantly impact upon the amenities of neighbouring residential properties.

11.3 Conditions

1. The use shall not commence until details of the proposed fume extraction/ventilation system, with silencer and carbon filtration, has been submitted and approved in writing to the Local Planning Authority and until such ventilation equipment has been bought into use. The use shall not be operated unless the approved system is installed and working satisfactory. The details of ventilation/fume extraction shall include the location and design of any external vent or flue.
2. Standard condition 50 (opening hours)

B1 APPLICATIONS (cont'd)

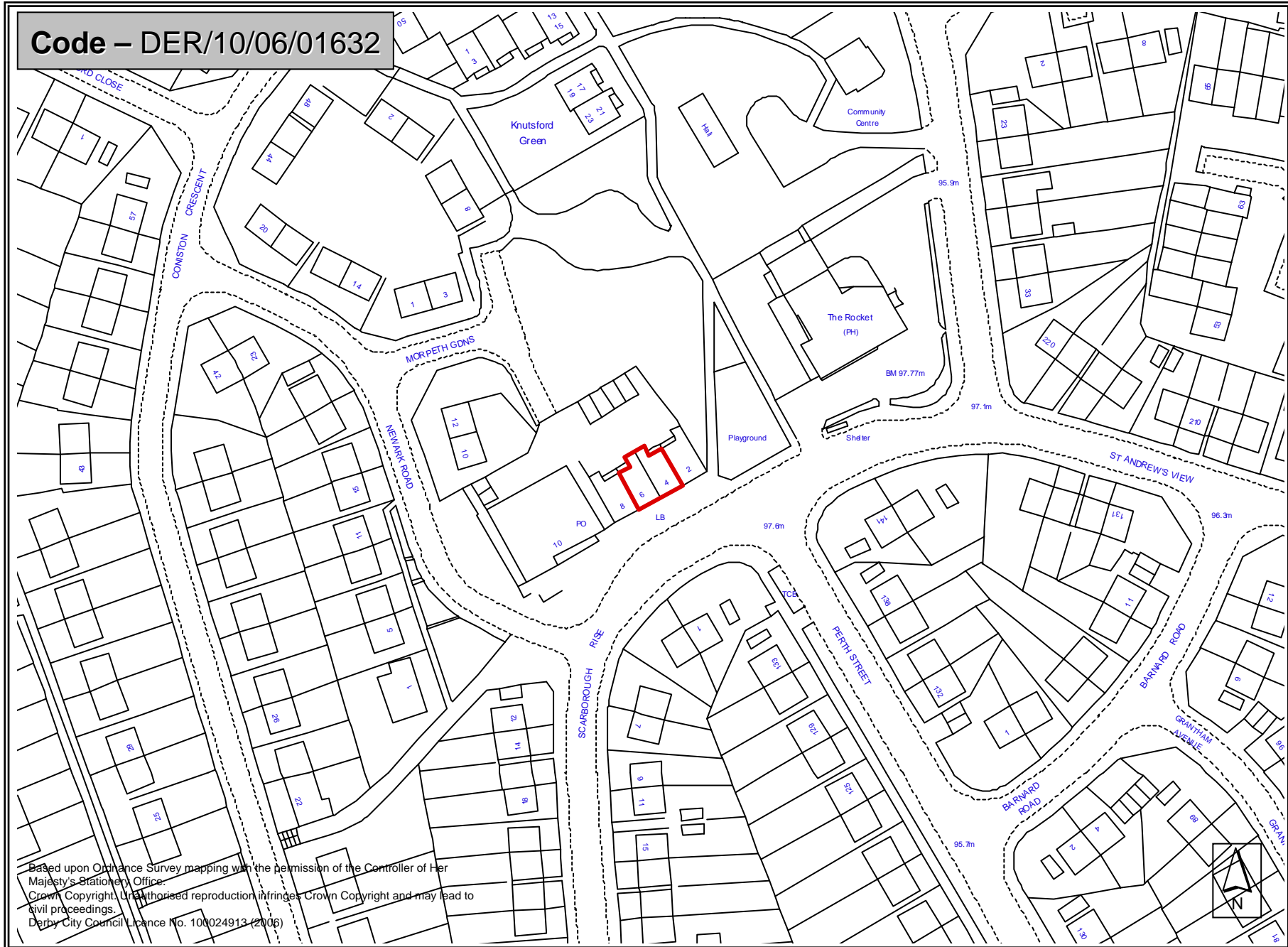
5 Code No: DER/1006/1632

11.4 Reasons

1. Standard reason E25 (residential and environmental amenity).
Policy S12
2. Standard reason E38 (amenity of nearby residents). Policy S12

11.5 S106 requirements where appropriate: None.

Code – DER/10/06/01632



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100024913 (2006)

B1 APPLICATIONS (cont'd)

6 Code No: DER/1006/1683

Type: Full

1. **Address:** Wyvern House, Railway Terrace
2. **Proposal:** Formation of 18 Apartments
3. **Description:** Planning permission is sought to change the use of the northern half of Wyvern House, an office building, into 18 apartments with 12 parking spaces. The apartments would comprise 12no 2 bedroom apartments and 6no 1 bedroom apartments.

Wyvern House is split into a north and south section. This application relates only to the northern half. The southern section will remain in its current office use.

The site is within the Railway Conservation area. It lies to the north of the Railway Station car parks and to the west of the railway lines. Amber House, currently undergoing conversion to residential lies to the north. The Brunswick public house and some residential flats lie to the west.

The change of use will involve internal alterations and some changes to the external appearance of the northern half of the building. Changes include removal of more recent extensions on the rear of the building, the making good of newly exposed brickwork and bricking up openings where appropriate and insertion of new windows and doors on the front and rear elevations. A flyover link between Amber House and Wyvern House is shown as remaining and would be accessible from a first floor store/shared toilet area.

Parking would be provided to the rear of the building. A one-way vehicle access system would be operated providing access between the north and south sections of Wyvern House with the exit point being via the gap between Amber House and Wyvern House.

The plans show a storage area at the northern end of the building which will be used as the landlords store.

4. **Relevant Planning History:** None directly related to this proposal. In 2002, Conservation Area consent was granted to demolish more modern parts of the building and to form a car park. These are also a common feature of the current application.
5. **Implications of Proposal:**
 - 5.1 **Economic:** I raise no objections to the loss of the office accommodation.

B1 **APPLICATIONS** (cont'd)

6 **Code No:** DER/1006/1683

5.2 Design and Community Safety: This former railway office building is not listed, however it makes a significant contribution to the surrounding area. I consider that it is important to maintain the appearance of Wyvern House in order to sustain its character and visual impact upon the area. In my view, despite the proposed change of use which will split the building into part offices and part residential, the proposal would ensure that the whole building as a whole satisfactorily maintains an integrated appearance. I also welcome the removal of the later extensions on the rear.

5.3 Highways: I have no objections in principle. Internal secure cycle parking provision will be required as well as a 30m-man carry distance to the refuse store and provision of a drop and taper kerb for the access and egress off Railway Terrace in order to give pedestrian priority.

In this location, close to the railway and City Centre, I consider that the proposed 12 parking spaces are adequate.

5.4 Disabled People's Access: The applicant has been asked to consider installation of a wheelchair accessible platform lift and has informed that it will not be possible to tell whether this is possible without a destructive opening up of the existing structure. This is not yet possible, as the applicant does not own the building. However the agent has expressed willingness to install such a lift if it proves to be feasible. I consider that this matter can be dealt with by planning condition.

5.5 Other Environmental: None.

6. **Publicity:**

Neighbour Notification letter	25	Site Notice	
Statutory press advert and site notice	*	Discretionary press advert and site notice	
Other			

7. Representations: To date, 3 letters have been received, 1 objection, 1 comment and 1 letter of no objection. The objections cover the following:

- Inadequate car parking that will have an adverse effect upon local area
- Noise impact of the railway upon the living units

B1 APPLICATIONS (cont'd)

6 Code No: 1006/1683

... These letters are reproduced.

8. Consultations:

Env Services (Health) - Noise and contaminated land surveys will be required and depending on the results, mitigations measured agreed.

Environment Agency - No comments received to date.

Police (ALO) - no comments received to date.

Cityscape - no comments received to date.

CAAC - comments awaited

9. Summary of policies most relevant:

- GD4 - Design and the Urban Environment
- GD - Amenity
- H12 - Lifetime Homes
- H13 - Residential Development – General Criteria
- H14 - Re-use of underused buildings
- E18 - Conservation Areas
- L2 -Public Open Space
- L3 - Public Open Space Requirements in New Development
- T4 - Access, Parking and Servicing

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 at this brownfield site is acceptable subject to the development providing a satisfactory form and design of development and a high quality living environment.

In terms of design, I am satisfied that the proposal would make a positive contribution to the appearance of this building and the surrounding Conservation Area, making small changes that would not detract from the overall impact of the building and ensuring continuity with the southern section of Wyvern House.

With regards to the living environment, I consider that the need to overcome noise disruption from the adjacent railway and nearby road from Pride Park will be key to ensuring a high quality living environment. Suitable measures have been agreed at the adjacent Amber House and I am confident that a similar approach could resolve

B1 APPLICATIONS (cont'd)

6 Code No: 1006/1683

the potential problem at Wyvern House. This can be achieved by planning condition.

I note that the proposed conversion will result in there being 2 habitable bedroom windows overlooking the parking area between the north and south sections of Wyvern House and within close proximity to office windows. Whilst I consider that the relationship will undermine the amenities at the two units concerned, I am mindful that this is an existing building, with existing openings and to alter these could undermine the historic appearance of the building. Moreover, the two separate office and residential uses would to some extent result in the rooms in question tending to be occupied at different times of the day, minimising the impact upon amenities.

At the northern end of the building, there would be habitable windows facing windows on the southern elevation of Amber House. The distances between these windows is below the City Council's guidelines and I consider that there would be some impact upon amenity at both properties. However the two buildings are set at an angle and views between the two are not direct. On balancing this issue with the need to retain the historic appearance of the building I do not think that the impact would be so unreasonable to warrant refusal of permission.

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 to achieve the objectives set out in 11.5 below **to authorise** the Director of Corporate and Adult Services to enter into such an agreement.
- B. To authorise** the Assistant Director – Regeneration **to grant** planning permission on the conclusion of the above Agreement, with conditions.
- C. If the applicants fail to sign the S106 Agreement by the expiry of the 13 week target period, (13 January 2007) consideration be given, in consultation with the Chair, to refusing the application.**
- 11.2 Summary of reasons:** The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in 9 above and is considered to comply with the relevant policy criteria.

B1 APPLICATIONS (cont'd)

6 Code No: 1006/1683

11.3 Conditions

1. Standard condition 27 (materials)
2. Prior to development commencing, a comprehensive noise survey must be undertaken, assessing the site against the criteria contained in PPG24. Should this indicate that mitigation measures are required, a scheme shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details and a validation report submitted to the Local Planning Authority confirming that this is the case.
3. Prior to development commencing a preliminary site investigation report shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this report shall include a desktop study and shall comply with the following:
 - a. Where the desktop study identifies potential contaminants, an intrusive site investigation and risk assessment should be carried out to determine levels of contaminants and potential risk to end users and other receptors. Consideration should also be given to the possible effects of contaminants on groundwater.
 - b. A detailed investigation report will also be required summarising the findings of the above and where contamination is identified, a remediation report shall be submitted to, and agreed in writing by the Local Planning Authority.
 - c. The development shall be implemented in accordance with agreed details and a validation statement confirming that this is the case submitted to the Local Planning Authority.
4. Prior to occupation of the building, investigative work shall be carried out to ascertain whether it is possible to install a wheelchair accessible platform lift within the building and where it is found to be possible, such a lift shall be installed. The results of this investigative work, including plans showing any new lift, shall be submitted to and approved in writing by the Local Planning Authority.
5. Prior to development commencing, details of secure, internal cycle parking shall be submitted to, and approved in writing by, the Local Planning Authority.

B1 APPLICATIONS (cont'd)

6 Code No: 1006/1683

6. The access and egress onto Railway Terrace shall be constructed as a drop and taper kerb, to the satisfaction of the Local Planning Authority.
7. Prior to development commencing, details of any changes to site levels shall be submitted to, and approved in writing by the Local Planning Authority before the first occupation of any of the apartments.

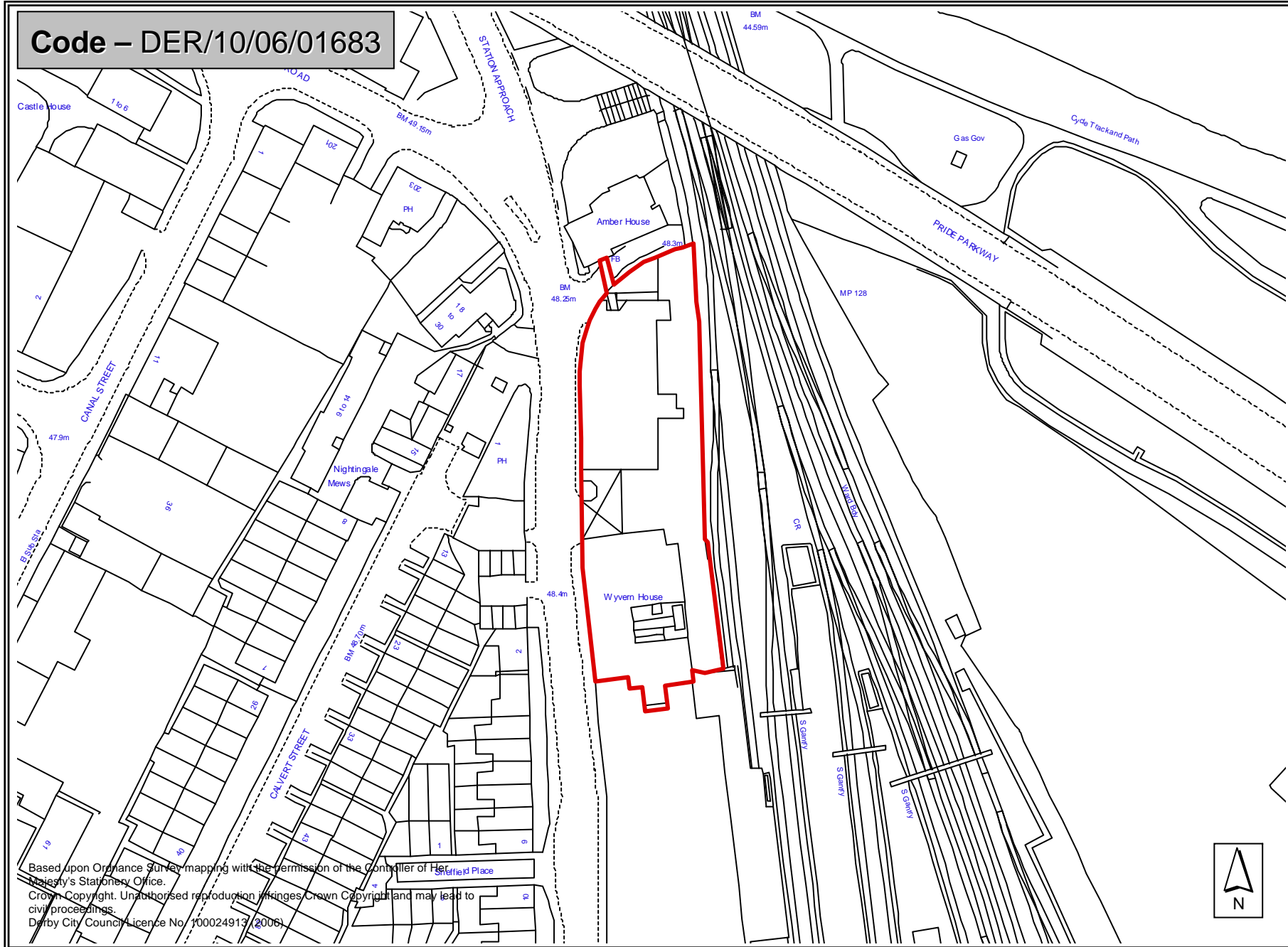
11.4 Reasons

1. E14...H13 and E18
2. In order to create a satisfactory living environment....H13
3. In order to create a satisfactory living environment....H13
4. In the interests of providing accessible living accommodation....H12
5. E35....T4
6. In order to give pedestrian priority and in the interests of traffic and pedestrian safety...T4
7. For the avoidance of doubt. The submitted plans indicate that car parking levels at the north of the site would be altered but do not show how this is to be undertaken.

11.5 S106 requirements where appropriate:

- Open space
- Lifetime homes
- Highways contribution to improvement to public, transport, cycling and pedestrian facilities
- To secure future development potential of the southern part of Wyvern House

Code – DER/10/06/01683



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100024913 (2006)

B1 APPLICATIONS (cont'd)

7 Code No: DER/1006/1619

Type: Full

1. **Address:** Land fronting St. Benedicts School, Duffield Road
2. **Proposal:** Erection of 24 dwellings and access road
3. **Description:** This site relates to a former playing field at St. Benedicts School on Duffield Road, which is to the front of the main school buildings at North block. It has been unused for a couple of years and has various trees and young saplings, mainly located around the perimeter. The former dwelling adjacent to the main school entrance, is occupied by the school and along with its curtilage it is outside the development site. The surrounding residential area is made up primarily of traditional detached and semi-detached dwellings with generous gardens, which lie to the north and east of the site.

The site has been subject to previous applications for residential development, which have included the former dwelling to the southern corner. An outline application from 2002, with a resolution to grant permission is awaiting completion of a Section 106 Agreement and a full scheme for 24 dwellings submitted in 2005 also has a resolution to grant permission, although the legal agreement has never been completed. The most recent application by the same applicant for 24 dwellings on the larger site was withdrawn, because it was contrary to Policy H13 of the recently adopted Local Plan Review, which requires a minimum density of 35 dwellings per hectare on suitable sites. This is a change to the housing policy introduced in the new Local Plan and would have resulted in a need for at least 26 dwellings on the original site. The landowners have now decided to retain control of the existing building and curtilage for school purposes and sell the remaining part of the site for development.

The current site area is about 0.6 hectares and 24 dwellings are proposed, which amounts to 35 dwellings per hectare. The dwellings would be a mix of two storey detached and 3 storey semi-detached dwellings arranged around an access road served off Duffield Road. There would be 4 detached dwellings, with 5 bedrooms facing Duffield Road, three of which would be accessed off the service road. The semi-detached dwellings would all have 3 bedrooms. The overall layout of the development would have similarities to the earlier scheme submitted in 2005, in terms of the road alignment and the general scale and design of the dwellings. The dwellings would be of a traditional appearance with hipped rooflines and chimneys. Most would have integral garages.

B1 APPLICATIONS (cont'd)

7 Code No: DER/1006/1619

4. Relevant Planning History:

DER/102/144 – Outline application for residential development – resolution to grant, subject to Section 106 Agreement not completed.

DER/205/225 – Erection of 24 dwellings and garages, resolution to grant, subject to Section 106 Agreement not completed.

DER/806/1289 – Erection of 24 dwellings, withdrawn – October 2006

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: The design and layout of the scheme would form a self-contained enclave, with traditional style dwellings of two and three storeys. A street frontage of detached dwellings would be formed facing Duffield Road, which would provide good natural surveillance. This scheme would not undermine community safety in the wider area.

5.3 Highways: An adoptable access road is sought for this development. The design and layout of the highway shown on the submitted layout plan does not conform to highway specifications but it is possible to achieve the required dimensions, without change to the layout of the dwellings, by condition.

5.4 Disabled People's Access: A degree of accessibility will be achieved through compliance with Building Regulations.

5.5 Other Environmental: There are various trees on the site of differing quality located mainly around the perimeter. The trees of merit include a mature Oak, a Willow and 2 Ash trees which would all be retained as part of the development. They are covered by a Tree Preservation Order along with a group of 8 young Horse Chestnut and Plane saplings, which are in a row alongside the Duffield Road frontage. They are replacements for similar trees which were felled due to their poor condition. They would not be retained in their existing positions although a row of trees would be replicated along the street frontage.

6. Publicity:

Neighbour Notification letter	31	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

B1 APPLICATIONS (cont'd)

7 Code No: DER/1006/1619

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

- Loss of green space is regrettable and object to the removal of the young saplings
- The additional access onto Duffield Road would increase congestion and worsen conflict with the school traffic
- Drainage for the scheme would need to be adequate to prevent flooding on Duffield Road and nearby residential properties
- There would be a significant loss of privacy of nearby properties from the new dwellings
- The height of Plots 21 – 24 would be 3 storey and too overbearing on the nearby residents on Slack Lane
- The bus stop on Duffield Road would need to be relocated.

8. Consultations:

EnvHealth – No comments.

DEnvS (Arboricultural) – Objections raised due to potential adverse impact on the root protection area of the protected Oak tree. Alterations to Plot 24 and the location or construction of the road would be needed to achieve a root protection area of 11 metres for the Oak and amendments have been sought to achieve this. A 6 metre root protection area would be required for the Willow outside the site. Where the highway encroaches a no-dig construction would address this issue. A method statement for the protection of the trees during construction and no-dig would be required.

DCS (Estates) - No planning comments but supports proposal.

Police – The Development is acceptable as proposed since it would bring some supervision to both the streetscene and school frontage. Recommend boundary fencing of up to 2 metres high along north, west and southern boundaries for privacy and security. Front boundary will need to allow sightlines from the front elevations of the buildings to the streetscene.

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

- | | |
|-----|--------------------------------|
| GD4 | - Design and urban environment |
| GD5 | - Amenity |

B1 APPLICATIONS (cont'd)

7 Code No: DER/1006/1619

H12	- Lifetime Homes
H13	- Residential development on unallocated land
E9	- Trees
E10	- Renewable Energy
E23	- Design
L2 & L3	- Public open space standards
L6	- Sports pitches & playing fields
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:** This site has been subject to a number of applications for residential development in the past 4 years and the principle of residential use has been accepted by previous resolutions to grant permission. Although there are no extant permissions for residential development on this site, the issue relating to the loss of sports fields has been satisfactorily addressed through the previous schemes. The proposal would be subject to the replacement of the playing field with enhanced sports pitches elsewhere on the school grounds. The new sports facility would be provided by the School and the Council and this is a condition of disposal of the playing fields set by the Department for Education & Skills. Therefore there is reasonable confidence that the replacement pitch would be provided on the school site. Members may recall that full permission was granted for provision of an all weather sports pitch on another part of the school playing fields in August 2004, which would fulfil the requirement for alternative enhanced facilities arising from this development proposal.

The proposed development of 24 dwellings on this site, would create a medium density scheme of traditional two and three storey dwelling houses, which would amount to 35 dwellings per hectare. This would accord with the minimum density required under Policy H13 of the new adopted Local Plan Review. This density requirement is a recent introduction in the Local Plan Review and would result in a slightly more intensive development on this site, than previously proposed. The site area has reduced because the school has chosen to retain control of the former dwelling in its existing use as a resource and office facility. The modest increase in density of development could be accommodated satisfactorily on this site, whilst maintaining environmental features and forming a good quality urban form and design.

A self contained residential scheme would be formed around a single access road, which would also form a strong street frontage along Duffield Road. It would continue the pattern of residential layout in this locality and be of an appropriate scale and massing to fit in with the

B1 APPLICATIONS (cont'd)

7 Code No: DER/1006/1619

character of this traditional suburban streetscene. The design and form of the development would form a good quality living environment and provide substantial interest in the townscape. Since the site is closely related to the school in physical location, a high level of privacy and security could be satisfactorily achieved for many of the dwellings on the site.

The scheme would also maintain an appropriate level of privacy and amenity for nearby residential properties. The main impact would be on dwellings to the north of the site, on the opposite side of Slack Lane. On Plots 21 – 24, 3 storey dwellings would be relatively close to these properties, however the normal standards of privacy between habitable room windows would more than adequately be achieved. Overall, there would not be an undue adverse effect on the living conditions of these neighbouring dwellings. The dwellings to the east of Duffield Road are at least 40 metres from the site and some are below road level. The residential amenities of these properties would not therefore be unreasonably affected.

There are four mature trees on the site, protected by an Order, which would be retained and incorporated into the development. The Oak and Willow are prominent specimens and would be affected by the proposed road layout. Amendments to the siting of Plots 23 -24 have been received, which would avoid damaging the nearby Oak tree. The Council's Arboricultural Officer has advised that the section of road affecting the protected trees should be constructed using no-dig methods. This method of construction would not unduly damage the trees and can be secured by means of a planning condition. Subject to the protection of the trees by condition, I am satisfied that the trees can be satisfactorily accommodated in the development, as required by Policy E9 of the Local Plan. The replacement saplings of Horse Chestnut and Plane trees along the Duffield Road frontage are very young trees and would take a very long time to replicate the visual quality of the row of the trees which were originally in this location. The original trees were removed with the benefit of TPO Consent in 2003. Due to the youth of these trees it would be reasonable to allow these trees to be removed, for a more appropriate group of tree species to be planted to maintain a tree lined street frontage in this locality. A row of new trees is indicated on the submitted plan and this is considered important to preserve the character of the local streetscene. Precise details of a planting scheme would be controlled by condition.

The proposed access and parking provision for development would be appropriate to serve the development. The main access road, should be provided to adoptable standard and I am satisfied that the highway specification required can be achieved, without affecting the proposed layout of the development.

B1 APPLICATIONS (cont'd)

7 Code No: DER/1006/1619

The scale of this development would generate a requirement for contributions towards provision of off-site public open space, transport corridor improvements and lifetime homes. These would normally be secured by completion of a Section 106 Agreement. However in this case, such an agreement is not appropriate since the Council is part owner of the site and cannot enter into an agreement with itself. Appropriate contributions would therefore be a requirement of the land sale process, rather than a Section 106 Agreement.

11. Recommended decision and summary of reasons:

11.1 To grant permission will conditions.

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

11.3 Conditions

1. Standard condition 09A (Amended site layout plan received 22 November 2006)
2. Standard condition 27 (external materials)
3. Standard condition 19 (means of enclosure)
4. Standard condition 24A (tree protection – revised condition)
5. The scheme of protection as required under Condition 4, shall include a method statement for no-dig construction of the highway, where it is within 11 metres of the trunk of the Oak tree adjacent to Plot 1 and within 6 metres of the trunk of the Willow tree adjacent to Plot 4 and such agreed methods shall be implemented in accordance with the approved scheme of protection.
6. Standard condition 20 (landscaping scheme)
7. Standard condition 22 (landscaping maintenance – condition 6)
8. The details of tree planting as required by Condition 6 shall include the planting of a replacement group of trees along the Duffield Road boundary, indicating siting, species and size of saplings, which shall be implemented in accordance with the approved details.
9. Standard condition 51 (underground service runs)

B1 APPLICATIONS (cont'd)

7 Code No: DER/1006/1619

10. Standard condition 38 (foul and surface drainage)
11. 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 the development shall be carried out in accordance with such plans.
12. Development shall not commence until precise details of the service road, including footway, indicating the proposed design, layout and surfacing of the highway, have been submitted to and approved in writing by the Local Planning Authority.
13. The vehicle access on the Duffield Road shall be constructed with taper and dropped kerbs. In accordance with details to the submitted to and approved in writing by the Local Planning Authority before the development is commenced.
14. The south facing roof slopes shall have full regard to the need to reduce energy consumption, and a scheme shall be submitted to, and approved 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 respective dwelling is occupied.

11.4 Reasons

1. Standard reason E04
2. Standard reason E14 ... Policy H13 & E23
3. Standard reason E14 ... Policy H13 & E23
4. Standard reason E24 ... Policy E9
5. The construction methods for the highway, where it encroaches into the root protection area of the trees should ensure protection of the trees in order to preserve the visual amenities of the surrounding area ... Policy E9
6. Standard reason E09 ... Policy H13 & E23
7. Standard reason E09 ...Policy H13 & E23
8. To retain an important group of trees on the street frontage to preserve the visual amenities of the surrounding area ...Policy E9 & E23
9. Standard reason E11 ... Policy E9
10. Standard reason E21
11. Standard reason E09 ... Policy H13 & E23

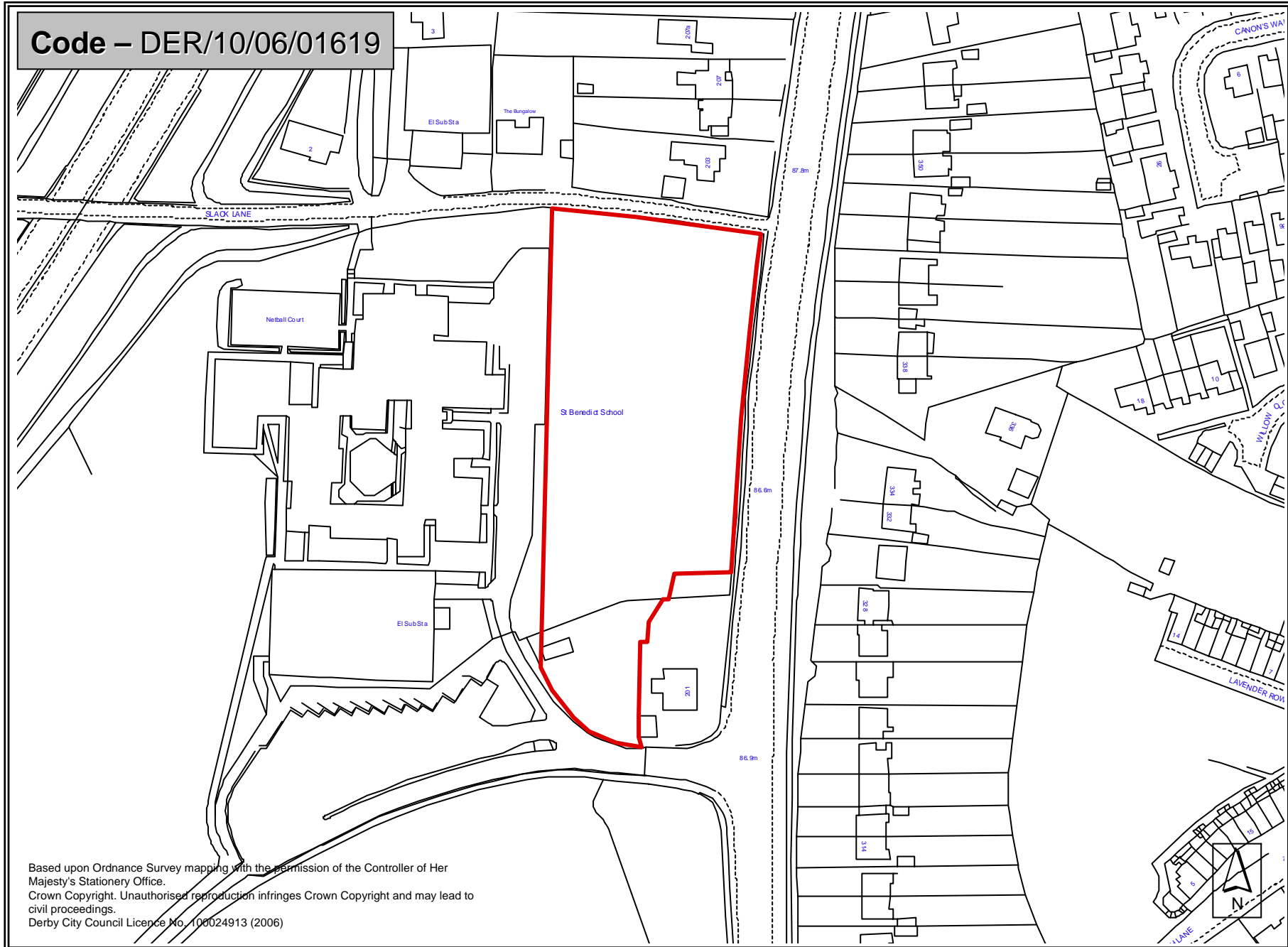
B1 APPLICATIONS (cont'd)

7 Code No: DER/1006/1619

12. The access road should accord with highway standards for an adopted highway in the interests of traffic safety.
13. To minimise inconvenience and danger for pedestrians and users of the highway.
14. Dwellings that are south facing or have south facing roofs, having solar panels and/or wind turbines, and include water conservation measures 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 2006.

11.5 S106 requirements where appropriate: None.

Code – DER/10/06/01619



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100024913 (2006)

B1 APPLICATIONS (cont'd)

8 Code No: DER/806/1333

Type: Full

1. **Address:** 339 Duffield Road/ Church Walk (Shell Service Station), Allestree
2. **Proposal:** Erection of fence
3. **Description:** The site is currently vacant land to the west of the Shell service station on Duffield Road, Allestree, which is overgrown with vegetation. It is enclosed on the south, west and east boundaries and the north boundary faces onto Church Walk. There is an existing historic red brick wall along part of the Church Walk frontage, which abuts the highway. The remaining 11 metre stretch of boundary is not currently enclosed and a 1.8 metre high close boarded timber fence would be erected along this frontage. This is an amended scheme, which would involve retention of the existing wall and abutting the fence up to it along the boundary of the site.

Church Walk is a single track highway, which forms the boundary of the Allestree Conservation Area. The Conservation Area is located to the north of the site and there are residential properties to the north and west of the site along Church Walk.

4. **Relevant Planning History:** None
5. **Implications of Proposal:**
 - 5.1 **Economic:** None
 - 5.2 **Design and Community Safety:** The proposed fence would be of a close boarded type, found in numerous locations in the local area, including Church Walk. It would be of domestic scale and appearance and would provide a more secure boundary for the site. It is therefore likely to improve security and community safety in the surrounding area.
 - 5.3 **Highways:** The position of the fence appears not to encroach into the highway and would therefore be satisfactory.
 - 5.4 **Disabled People's Access:** Not applicable
 - 5.5 **Other Environmental:** The site is currently disused and densely covered in vegetation, although the trees have limited amenity value and merit.

B1 APPLICATIONS (cont'd)

8 Code No: DER/806/1333

6. Publicity:

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

7. Representations: Six letters in objection have been received, copies of which are reproduced and the main issues raised are as follows:

- The area has not been maintained by Shell and is used as a dumping ground
- The fence would block off an important turning space for vehicles on Church Walk, which would mean that vehicles would be reversing down onto Duffield Road, causing a traffic hazard
- The design of the fence is not in keeping with the Conservation Area and where it abuts the wall would appear incongruous. The walls should be repaired and extended
- The fence should not encroach onto the highway and would not take into account the kink in the boundary.

8. Consultations:

CAAC – Object and recommend refusal on the grounds that the fence would detract from the setting of the Conservation Area. The existing mature boundary wall provides an attractive and traditional boundary feature to Church Walk and this should be extended across the area which is currently undefined. Further comments to be reported on the amended scheme.

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

E18 - Development in Conservation Areas
E23 - Design
E27 - Community Safety

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 proposed close boarded fence is intended to provide a secure boundary for a vacant site facing onto Church Walk, which is currently accessible and appears to be attracting anti-social

B1 APPLICATIONS (cont'd)

8 Code No: DER/806/1333

behaviour and problems for residents in the local area. The site boundary is also historically sensitive since it faces the Conservation Area, which is characterised by 2 storey period cottages along Church Walk. Church Walk is an old single track route, which provides access to the existing dwellings. There is a long standing red brick wall on the boundary, which is part demolished. The brick wall that remains contributes to the character of this area and the applicants have confirmed that it is to be retained, with the proposed fence butting up to it.

The proposed fence would be a relatively short length, similar in height to the brick wall, which it would adjoin. There are also other stretches of a similar type of fence further west along Church Walk. These are visible from the Conservation Area in the same way as the proposal would be. They are generally 1.8 metres high, as is the proposed fence. Whilst this type of fencing is not an historic form of boundary treatment, in keeping with the period of the Conservation Area, it is not uncommon in the surrounding area. I am satisfied that it would not be unduly detrimental to the traditional appearance of Church Walk. The visual amenities of the Conservation Area would not therefore be compromised by this proposal.

The fence would enclose an area of land which is not currently used and improve security for the site. Community safety in the local area should therefore be enhanced.

The line of the proposed fence does not appear to encroach onto Church Walk and as such it would not obstruct the highway. The walk is a narrow road which only provides vehicle access for existing dwellings and there is no provision of turning space for vehicles. The turning space which breaches into the site and is currently used for manoeuvring by vehicles, encroaches onto private land, with no formal rights of access. The proposed fence would extend across the turning space and extinguish access to the site. It is entirely reasonable for the landowner to enclose this land and the provision of a turning space on this site is not their responsibility. I note that a 1 metre high fence would not require planning permission.

Church Walk is not of sufficient width to accommodate a turning area and the Highways Officer has not raised any concerns about this issue. I therefore consider that the proposal should not be resisted on these grounds.

In terms of design and layout the proposal is considered to be appropriate in this location and it is recommended that full permission be granted.

B1 APPLICATIONS (cont'd)

8 Code No: DER/806/1333

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 the proposal would be in keeping with the appearance and character of the local streetscene and the Allestree Conservation Area and highway safety would not be undermined.

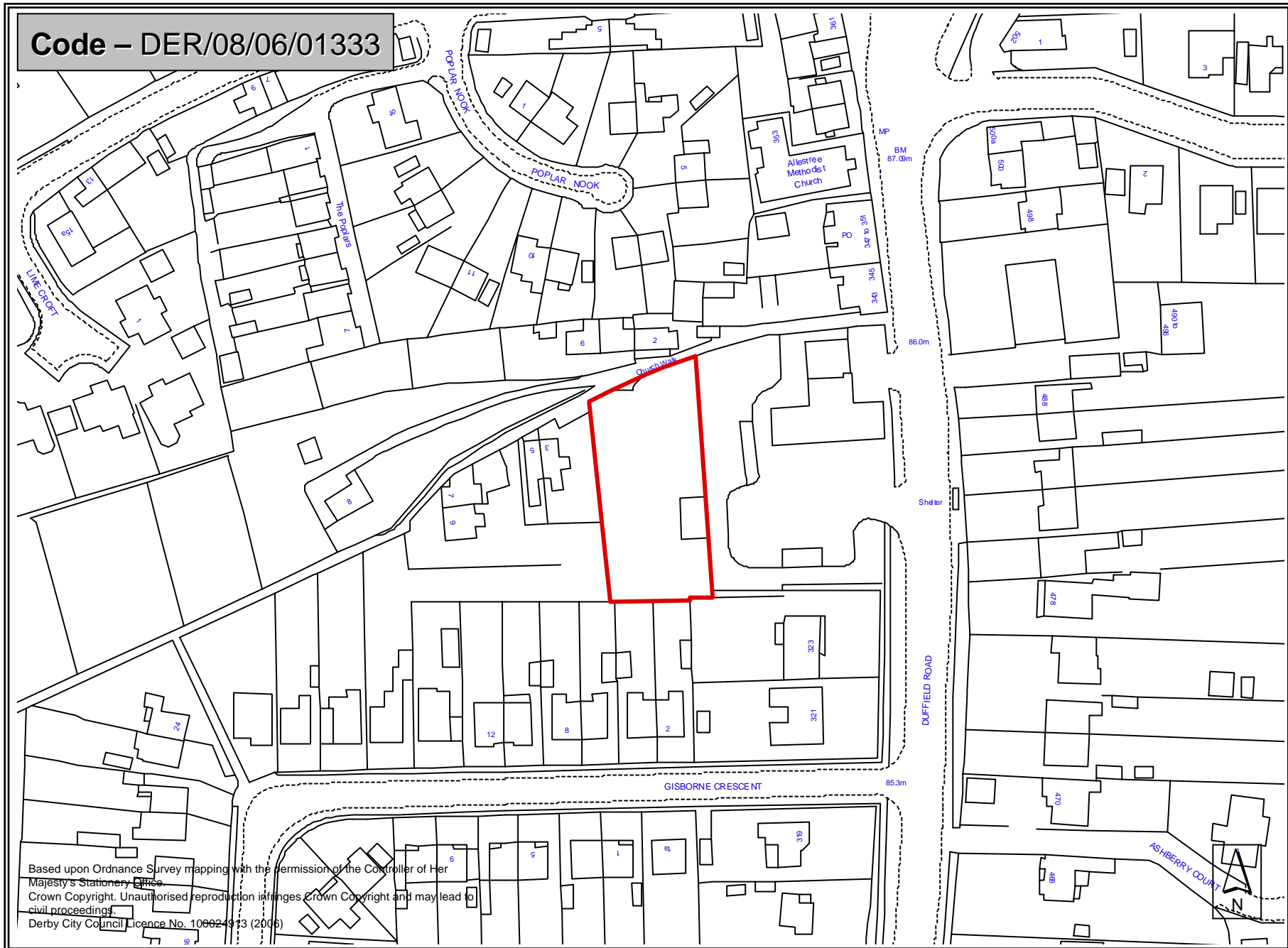
Conditions

1. Standard condition 09A (Amended site layout plan received 1 November 2006)
2. Before work commences precise details indicating the siting and alignment of the fence, to a scale of 1:100 or 1:200, shall be submitted to and approved in writing by the Local Planning Authority.
3. Before work commences, details of the colour of the treatment of the proposed fence shall be submitted to and approved in writing by the Local Planning Authority.

Reasons

1. Standard reason E04
2. To ensure that the line of the fence does not adversely affect the highway, to avoid undermining traffic safety.
3. E14 – Policy E18 & E23

Code – DER/08/06/01333



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 106024913 (2006)

B1 APPLICATIONS (cont'd)

9 Code No: DER/1006/1685

Type: Full

1. **Address:** 568 Burton Road
2. **Proposal:** Change of use from offices to hot food takeaway (Use Class A5)
3. **Description:** Permission is sought for a change of use from offices to hot food takeaway. The application site is a semi detached property on the northern side of Burton Road frontage located between Heath Avenue and Middleton Avenue. The site of the proposal is located within the District Centre and the adjoining semi; number 566 Burton Road is registered as an Orthodontic Practice (Use Class D1). There is a small courtyard to the rear with a small amount of car parking accessed via Heath Avenue.
4. **Relevant Planning History:**
DER/406/656 - Change of use from offices to coffee bar/brasserie (Use Class A3) granted conditionally – July 2006.

Related site history: 515A Burton Road - DER/306/544 – Change of use from retail to hot food takeaway (Use Class A5) granted conditionally – July 2006.
5. **Implications of Proposal:**
 - 5.1 **Economic:** The applicant has stated that three members of staff are proposed to be employed at the premises.
 - 5.2 **Design and Community Safety:** None.
 - 5.3 **Highways:** Waiting restrictions are in place on the site frontage, however, it is considered that adequate off road parking is available within the shopping centre opposite the application site. The provision of a bin and 1 no. cycle hoop is recommended on the site frontage. Subject to the above comments there are no objections to this proposal on highway grounds.
 - 5.4 **Disabled People's Access:** Accessibility to and within the development will be controlled by building regulation guidance.
 - 5.5 **Other Environmental:** None.

B1 APPLICATIONS (cont'd)

9 Code No: DER/1006/1685

6. Publicity:

Neighbour Notification letter	9	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: 2 individual letters of objection and a 199 signature petition have been received the letters are reproduced. Concern relates to:

- Several hot food outlets already within the centre
- That a café would have been good for the area but not a hot food takeaway
- Lack of parking to the front of the property
- Existing parking problems associated with the hot food takeaway opposite the site
- Smells/odours
- Risk of vermin

8. Consultations:

DCorpS (Health) - Due to the large number of food premises already in the area, I have no objection on environmental health grounds to the proposed change of use; however the following issues need to be addressed. Due to the proximity of adjoining residential accommodation, consideration should be given to ensure there is an adequate ventilation system from the kitchen to prevent the occurrence of odour nuisance. Details of the ventilation system, including any noise attenuation is needed to ensure the operation does not constitute a noise nuisance, should be submitted to the Council for approval, before the development proceeds. Hours of opening will need to be restricted to ensure minimal amount of disturbance to local residents.

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

- GD5 - Amenity
- S1 - Shopping Hierarchy
- S3 - District & Neighbourhood Centres
- S12 - Financial and Professional Services & Food and Drink Uses
- E24 - Design
- T4 - Access, Parking and Servicing
- T10 - Access for Disabled People

B1 APPLICATIONS (cont'd)

9 Code No: DER/1006/1685

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

- 10. Officer Opinion:** The main issue to consider when determining this application is whether such a use is appropriately located and its implications for the amenity of neighbouring residential properties. The proposal is located in a defined District centre within the shopping centre hierarchy. Policy S3 permits food and drink uses within defined centres provided that it would not lead to a concentration of these uses within the centre. Food and drink uses are generally encouraged to be located in such centres rather than being located in unsustainable areas.

There are currently 4 hot food takeaway establishments within the centre; 'The 3 Chefs takeaway', 'Littleover Grill', 'Littleover Fish Bar' & 'Littleover Tandoori' which are all located within a 95m radius of the application site. It is of note that permission has also been granted at 515A Burton Road opposite the application site (under application DER/306/544) for a change of use from a retail unit to hot food takeaway however this has not, as yet, been implemented but must be taken into consideration. I therefore feel that this number of establishments as a proportion of all the units within the District Centre will not significantly detract from the Centre's vitality and viability or lead to a concentration of such uses that would undermine its overall shopping function, especially as there will be no loss of a retail unit.

The principle of food and drink use in this location was accepted by the granting of the permission for a coffee bar/brasserie (Use Class A3). However, I do feel that that a change from A3 to A5 would generate a greater amount of activity late at night in this centre location close to residential property. The environmental health officer raises no objection to this subject to various conditions including restrictions on hours of opening. The highways officer raises no objection to the proposal as adequate off road parking is available within the shopping centre opposite the application site. I do have concern relating to customers stopping directly outside the premises and dashing in and out of the establishment rather than parking up in the car park opposite the site; this could potentially exacerbate problems with customers doing the same opposite the site when using 'Littleover Tandoori' and/or in addition to any additional parking implications associated with the permission granted at 515A Burton Road for another A5 use. However I am drawn to conclude that the waiting restrictions in place on the site frontage should be sufficient to deter casual parking.

Policy GD5 of the adopted Local Plan Review seeks to ensure that residential amenity is protected when considering applications of this

B1 APPLICATIONS (cont'd)

9 Code No: DER/1006/1685

kind. As there is residential property adjoining the centre, conditions will need to be applied to any permission to protect this amenity such as requiring the installation of an efficient ventilation system, the incorporation of sound insulation and the limiting of opening hours. The applicant will need to these submit details which will need to be approved before the use can be implemented.

A condition will be placed on any permission for a litter bin to be provided on the site's frontage which should help reduce any litter problems in the area and similarly details of an appropriate fume/ventilation system will need to be approved which will reduce any cooking odours which may be emitted. Other potential effects for residents would include increased noise and activity. However, on balance I do not consider the effect to be unreasonable to neighbouring residents given the district centre location.

From the representations received, it is clear that local residents have concerns with regard to this change of use. Overall however the proposal reasonably meets the requirements of Local Plan policy and, on balance; it is considered that an A5 use would be acceptable in principle in this location. Although I have some minor reservations in relation to the potential parking implications and the potential for an increase in additional late night activity in this location, no over-riding objections have been received from highways, environmental health or the policy officers and therefore for the reasons given above, I do not consider that planning permission for this proposal could be refused.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered against the policies of the adopted City of Derby Local Plan Review as summarised at 9 above and is an appropriate use in this location which will not unduly affect the amenities of nearby residential properties and would not compromise highway safety.

11.3 Conditions

1. Standard condition 47 (details of fume extraction/ventilation).
2. Standard condition 50 (opening hours of hot food shops).
3. Before the use is implemented, a litter bin will need to be provided on the site. Details shall be submitted to and approved in writing by the Local Planning Authority before development commences.

B1 APPLICATIONS (cont'd)

9 Code No: DER/1006/1685

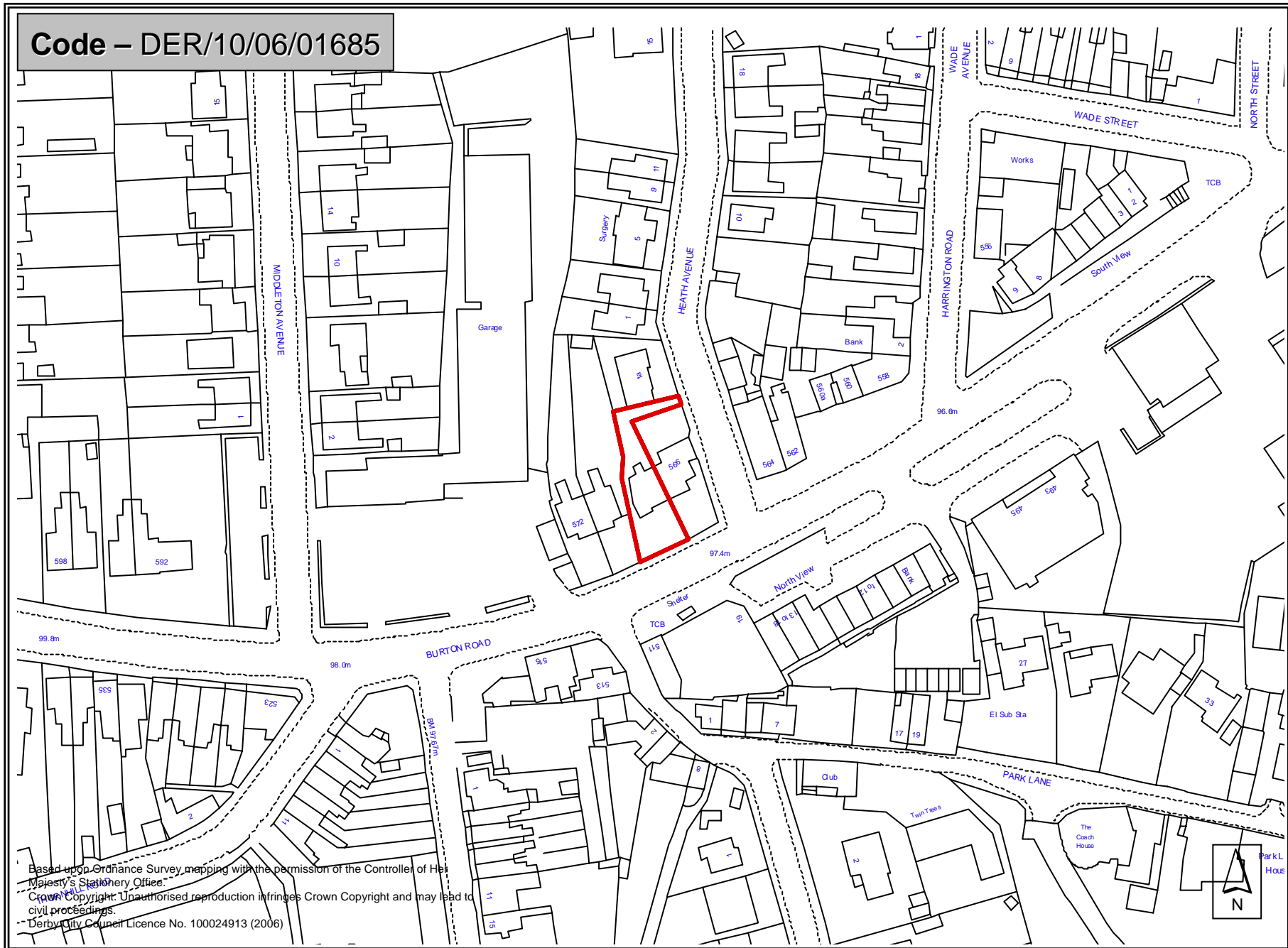
4. Before the use is implemented, one cycle parking hoop will need to be provided on the site. Details shall be submitted to and approved in writing by the Local Planning Authority before development commences.
5. If the first floor of the premises is to be used for residential accommodation then adequate noise insulation between the hot food takeaway and the residential accommodation will need to be provided. Such details will need to be submitted to and approved in writing by the Local Planning Authority before development commences.

11.4 Reasons

1. Standard reason E37...policy S12 and GD5
2. Standard reason E07...policy S12 and GD5
3. Standard reason E07...policy S3, S12 and GD5
4. Standard reason E25...policy T4
5. Standard reason E07...policy S12 and GD5

11.5 S106 requirements where appropriate: None.

Code – DER/10/06/01685



B1 APPLICATIONS (cont'd)

10 Code No: DER/1106/1816

Type: Full

1. **Address:** 30 Albany Road
2. **Proposal:** Extension to dwelling house (garage, cloaks, bathroom, sitting room, 3 bedrooms, shower room, wc, en-suite and enlargement of dining room and kitchen) – Amendment to previously approved application DER/306/510
3. **Description:** Members may recall an application for similar proposals being reported to the meeting of the 6 July 2006. The application relates to a detached dwelling located on the northern side of Albany Road.

The proposal involves a 2 storey side extension to the dwelling measuring 2.8m in width and 9.4m in depth at ground floor level. It would incorporate a garage and sitting room at ground floor with two bedrooms at first floor. The first floor is not as deep at 7.8m as it has been set back, from the front elevation of the house. This side extension would accommodate a hipped roofline. At the rear of the dwelling a two storey extension is also proposed which would accommodate dining room and kitchen extensions on the ground floor with a bedroom and en-suite at first floor. This extension would project 3.1m beyond the rear of the dwelling and would also accommodate a hipped roofline. These 2 storey side and rear extensions remain unchanged from the proposals that were granted planning permission under the previous application and their construction on site is at an advanced stage.

The proposals put forward in this current application also include a single storey extension at the rear of the property and it is this element of the scheme that has changed. Its footprint would remain as in the previous permission but its roof design has had to be changed from a monopitch to a hip, due in part to the original design not complying with the building regulations. Given the changes to the roof design the highest point of the extension would be increased from 3.1m to 3.7m.

4. **Relevant Planning History:**

DER/306/510 Extension to dwelling house (garage, cloaks, bathroom, sitting room, 3 bedrooms, shower room, wc, en-suite & enlargement of sitting room) – granted 11/07/06

DER/1205/2027 Extension to dwelling house (garage, bathroom, cloaks, 2 bedrooms, en-suite and shower room and enlargement of sitting room) refused 14/02/06. Reasons for refusal were:

B1 APPLICATIONS (cont'd)

10 Code No: DER/1106/1816

- “1. The proposed two storey rear extension, by reason of its height, mass and close proximity to the boundary, would have an overbearing effect and intrusive appearance on the windows in the rear elevation of 28 Albany Road. This would result in an unacceptable loss of amenity for residents of that property and would accordingly be contrary to policy H26 of the adopted City of Derby Local Plan Review - 2006.
2. The proposed two storey side extension would, by reason of its size and design, significantly reduce the gap between dwellings at first floor level detracting from the setting of this and adjacent properties contrary to policy H26 of the adopted City of Derby Local Plan Review - 2006. Furthermore, the development if approved would set an undesirable precedent whereby it would be difficult for the Local Planning Authority to resist similar extensions to nearby dwellings. If repeated, this would offer an unacceptable change in the character and appearance of the street.”

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: The design and form of the extensions would not dominate the main dwelling and I do not consider that they would compromise the character of the original house. There are no community safety implications to consider.

5.3 Highways: Adequate parking is maintained throughout and there are no objections to this application.

5.4 Disabled People's Access: Not applicable

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: At the time of drafting this report, four letters of objection had been received concerned about:

B1 APPLICATIONS (cont'd)

10 Code No: DER/1106/1816

- the size overpowering adjacent properties
- reducing the gap
- to compound a bad decision would be unacceptable
- imposing frontage not in keeping with neighbouring properties
- loss of light

Any further letters of representation that are received will be made available to the Members.

8. Consultations: None.

9. Summary of policies most relevant: Adopted City of Derby Local Plan Review policies:

- H16 - Extensions to dwellings
- E23 - Design
- 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 previous application submitted on this site generated a large amount of local opposition with concerns being expressed that the resulting dwelling would compromise the character of Albany Road and that the development offered detrimental implications for the amenities enjoyed by neighbouring occupiers.

In this application, the two storey side and rear extensions remain unchanged in size and design from those that were approved previously. The side extension is not considered excessive in its dimensions and the set back position of the first floor of its front elevation does maintain visual distinction between the dwelling, the extension and the neighbouring property. The two storey rear extension is not viewed in the context of the street scene but its scale and design would, I feel, offer an acceptable addition to the dwelling in design terms. I therefore come to the same conclusion as was made in the previous application that the two storey extensions are of an acceptable design.

Issues surrounding the impact of the development on the amenities of neighbours are not as clear. Following the recent grant of planning permission it became apparent that the approved plans contained errors. To provide Members with clarity, detailed measurements have been taken on site in order that the relationship between the two storey extensions and the windows of neighbouring property can be established. We have also found that the ordnance survey plans that

B1 APPLICATIONS (cont'd)

10 Code No: DER/1106/1816

we regularly use were slightly inaccurate but not as bad as the originally submitted plans. When the previous application was reported to the Committee it was indicated that on the submitted plans that the two storey extensions did not encroach into a 45 degree line taken from the windows in the rear elevations of 28 and 32 Albany Road. Following the detailed inspection of the site with the knowledge of the inaccuracy of the plans, it is now apparent that there is some encroachment of the 45 degree line. In respect of 32 Albany Road this amounts to an encroachment of some 0.1 m and given that the encroachment occurs some 3.65 from the common boundary, it is considered that it would be difficult to argue that this offers significant massing problems. In respect of 28 Albany Road the encroachment is some 0.65m. No 28 does have a single storey outbuilding which sits close up to the common boundary and would break up views of the flank wall of the side elevation of the extension from the perspective of this neighbouring property. The position of no. 28, to the west of the application site also means that no overshadowing and loss of light would result from this flank wall. Taking these factors into consideration I do not consider the level of encroachment into the 45 degree line offers clear justification for a refusal of planning permission in this case. The 45 degree line gives guidance as to whether planning permission should be granted or refused but there maybe other material factors to take into account. Just because this line is breached does not automatically lead to a refusal of permissions. I felt that a refusal of Planning Permission would be unreasonable in this case. The fact that planning permission has previously been granted for two storey extensions in these locations already does mean that a refusal now, would be difficult to defend at appeal.

The main change between this application and the previous approval relates to the roof design and height of the single storey rear extension. Although this application proposes an increase in height of 0.6m the roof is proposed to hip in, away from the common boundary shared with 32 Albany Road. The side wall of the extension would project up to a height of 2.6m and I do not consider this to be excessive considering that a 2m boundary treatment could be erected along the full extent of the boundary without planning permission needing to be obtained. Accordingly, I do not consider the harm to the amenities enjoyed by the occupiers of the neighbouring property would be so significant as to offer grounds for refusal of this application.

For the reasons given above, I consider these revised proposals continue to reasonably meet with the aims of the appropriate CDLPR policies.

11. Recommended decision and summary of reasons:

B1 APPLICATIONS (cont'd)

10 Code No: DER/1106/1816

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9. above. The proposal is considered an acceptable form of development in siting, design, street-scene and residential amenity terms.

11.3 Conditions

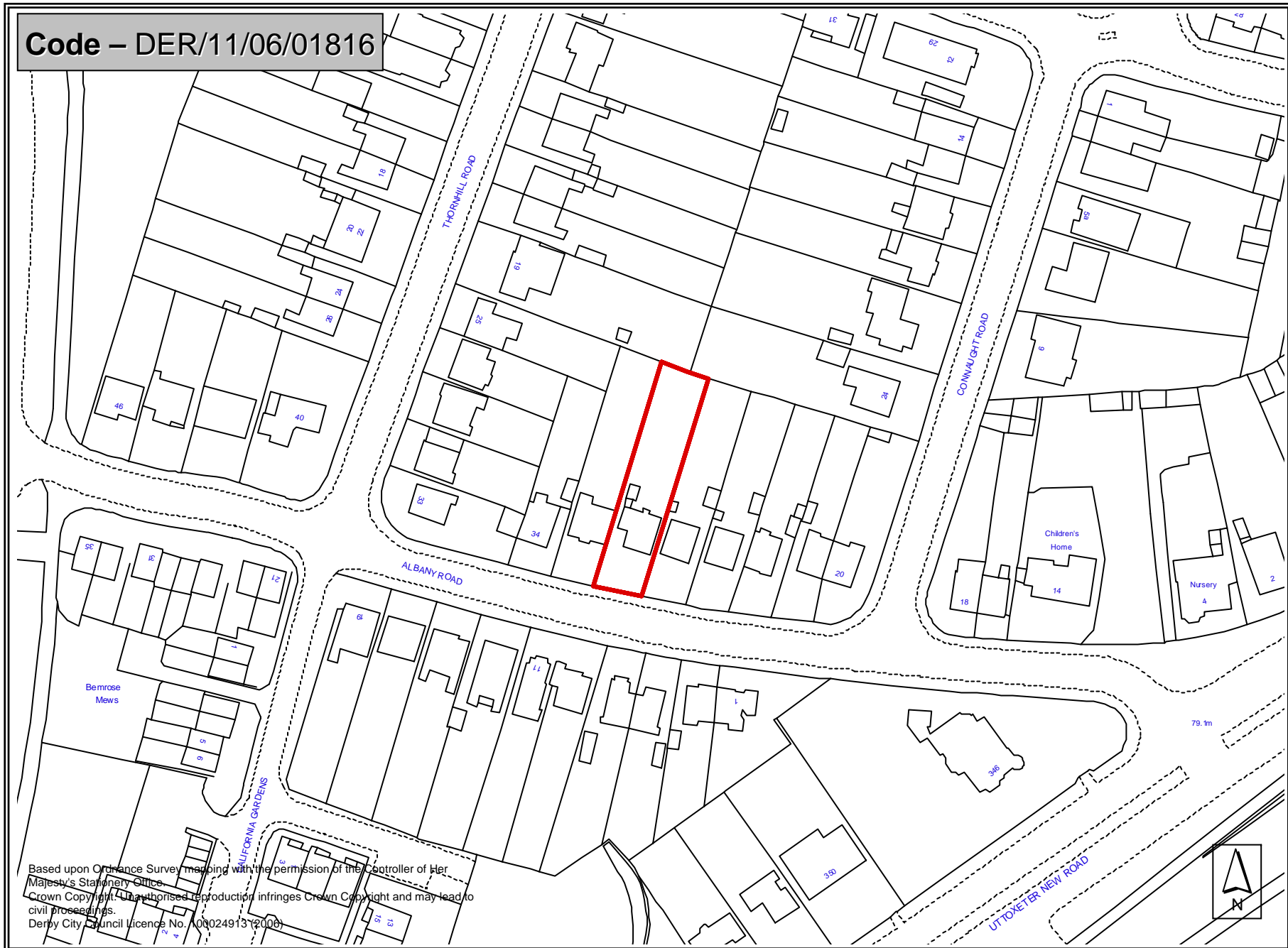
1. Standard condition 27 (external materials)
2. Standard condition 13 (private use of garage)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no windows other than those detailed on the approved plans shall be inserted into the extensions at first floor level.
4. Standard condition 09A (revised plans received 29 November 2006).

11.4 Reasons

1. Standard reason E14...policy E23
2. Standard reason E07...policy H16
3. Standard reason E07...policy H16
4. Standard reason E04

11.5 S106 requirements where appropriate: None.

Code – DER/11/06/01816



B1 APPLICATIONS (cont'd)

11 Code No: DER/706/1164

Type: Full

1. **Address:** 1242-1246 London Road, Alvaston
2. **Proposal:** Change of use of part of public house to hot food shop (A5) and car park to beer garden
3. **Description:** This application covers two changes at an existing public house. Firstly, permission is sought to use part of the public house as a hot food shop, with a serving counter on the eastern elevation of the building. Secondly, permission is sought to convert an existing car park area to a beer garden and to erect fencing and a gate around the garden. The remaining hard surfaced area is to be laid out as 11 car parking spaces.

The public house is situated within Alvaston District Centre, in front of a car park. The applicant owns the public house and proposed beer garden area as well as an area of land to the south and east of the site. Owners of the adjacent site to the north west have a right of access across the area to the south of the proposed car park.

4. **Relevant Planning History:** None relevant.
5. **Implications of Proposal:**
 - 5.1 **Economic:** The site is within a district centre and the proposal would not, in my opinion detract from the vitality and viability of the centre.
 - 5.2 **Design and Community Safety:** The visual impact of the proposed sandwich shop is not, in my opinion significant. The proposed beer garden would be created within an existing car park which is unremarkable in its current appearance and not prominent from the main London Road street scene. The fencing around the beer garden would have some visual impact but would not, in my opinion be unacceptable in this regard.

I had some concerns about the community safety aspects of the beer garden part of this proposal, in particular the following:

- There was to be no natural surveillance of the beer garden from the premises or car park. This could have been a problem when adults leave children or other vulnerable people unsupervised in the beer garden, for example to visit the bar or toilet. The vehicles in car parking spaces 10 and 11 would also be hidden from public view and therefore vulnerable. The applicant has sought to address this concern with the erection of 2 CCTV posts and cameras.

B1 APPLICATIONS (cont'd)

11 Code No: DER/706/1164

- The area between the rear of the premises and proposed beer garden was another area of concern. There is again no natural surveillance so private areas of the public house would become vulnerable. There is also the possibility that this area could become a flash point for violence and anti-social behaviour. The CCTV camera posts would be located immediately to the rear of the public house and in the southern corner of the new beer garden.

5.3 Highways: There are no objections to the change of uses proposed. I note that adequate vehicle access width has been allowed at the south end of the site to serve the proposed adjacent retail/flat development to the west; however I would recommend deletion of parking bays 10 and 11 as a fuller safeguard for this access.

The remaining parking bays 1-9 are adequately marked allowing uninterrupted vehicle access from London Road into the remainder of the car park to the east.

5.4 Disabled People's Access: No comment on change of use but proposed new entrance to take away has a 150mm step. A ramped approach is required.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letter	8	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: To date 4 letters of objection have been received as well as one objection from Cllr Graves. Comments are summarised below:

- Noise and disturbance from the beer garden would be unacceptable
- No demonstrable benefit to the community as a whole
- The beer garden is set up within an alcohol free zone
- The beer garden would attract an anti-social behaviour
- The proposal would affect the right of access to the adjoining land

8. Consultations:

Env Services (Health) - No objections

B1 APPLICATIONS (cont'd)

11 Code No: DER/706/1164

Police (ALO) - Concerns expressed about surveillance of beer garden and surrounding area as well as the need for children and young people to walk through the bar to get to the toilet from the garden. Attention to CCTV provision, the layout and boundary treatments should be considered to overcome objections.

9. Summary of policies most relevant:

GD5 - Amenity
S3 - District and Neighbourhood Centres
S14 - Financial and Professional Services and Food and Drink Uses
E23 - Design
E24 - Community Safety
T4 - Access, Parking and Servicing
T5 - Off street parking
T10 - Access for disabled people.

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

- 10. Officer Opinion:** The principle of the proposed uses is acceptable in planning policy terms. I note objections relating to the fact that the site is within an 'Alcohol Free Zone'. However, this is not a designation that is enshrined in planning policy and it would be inappropriate to refuse permission merely on this basis especially given that the public house is located within the zone. Moreover, the intention would be to create an enclosed area for patrons of the public house, rather than to encourage drinking to spill out onto the surrounding area.

In response to concerns about community safety, amended plans have been submitted showing CCTV positioned inside and out of the building. However, no changes have been made to improve the natural surveillance of the area to the rear of the beer garden. Subject to suitable monitoring of the CCTV cameras, this area could be suitably surveyed, however without any change to the visibility through to the car parking area I consider that parking spaces 10 and 11 should be deleted in the interests of deterring anti-social interest in this somewhat remote corner of the site. I also consider that the fencing around the rear of the beer garden should be reinforced in a design that provides some additional sound proofing in the interests of preventing noise from travelling beyond the sites confines.

I note concerns about the impact that the changes of use would have upon amenities at neighbouring dwellings but with the sound proofing measures I do not think that the impact would be unreasonable. The

B1 APPLICATIONS (cont'd)

11 Code No: DER/706/1164

site is within a district centre and in that sense is an acceptable location for both the take away and beer garden uses. Moreover, the relationship between the site and neighbouring dwellings is not unusual, being found in various local centre and suburban locations across the city.

I note Police (ALO) concerns about children having to walk through the bar to use the toilet, the layout of the public house is such that children visiting with their parents would already have to use toilets situated off the bar area. As such, I do not think that the proposal would affect this existing situation. I consider that it would be a matter for parents or guardian's to supervise rather than be regulated by the planning process.

In view of the above, 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 in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 above and is considered to be compliant with these matters.

11.3 Conditions

1. Standard condition 83...TO/JH/06/080/01 rev A
2. This permission specifically excludes car parking spaces 10 and 11 and development shall not take place until an amended plan showing these spaces deleted and replaced with markings indicating 'no-parking' has been submitted to and approved in writing by the Local Planning Authority.
3. The beer garden use shall not be brought into use until a scheme for managing monitoring of the CCTV cameras has been submitted to, and agreed in writing by the Local Planning Authority. The use of the beer garden shall accord with these agreed details.
4. Standard condition E19, amended as follows –

Detailed plans showing commenced. **These details shall show acoustic fencing along the southern and eastern boundaries of the beer garden** and the development shall...

B1 APPLICATIONS (cont'd)

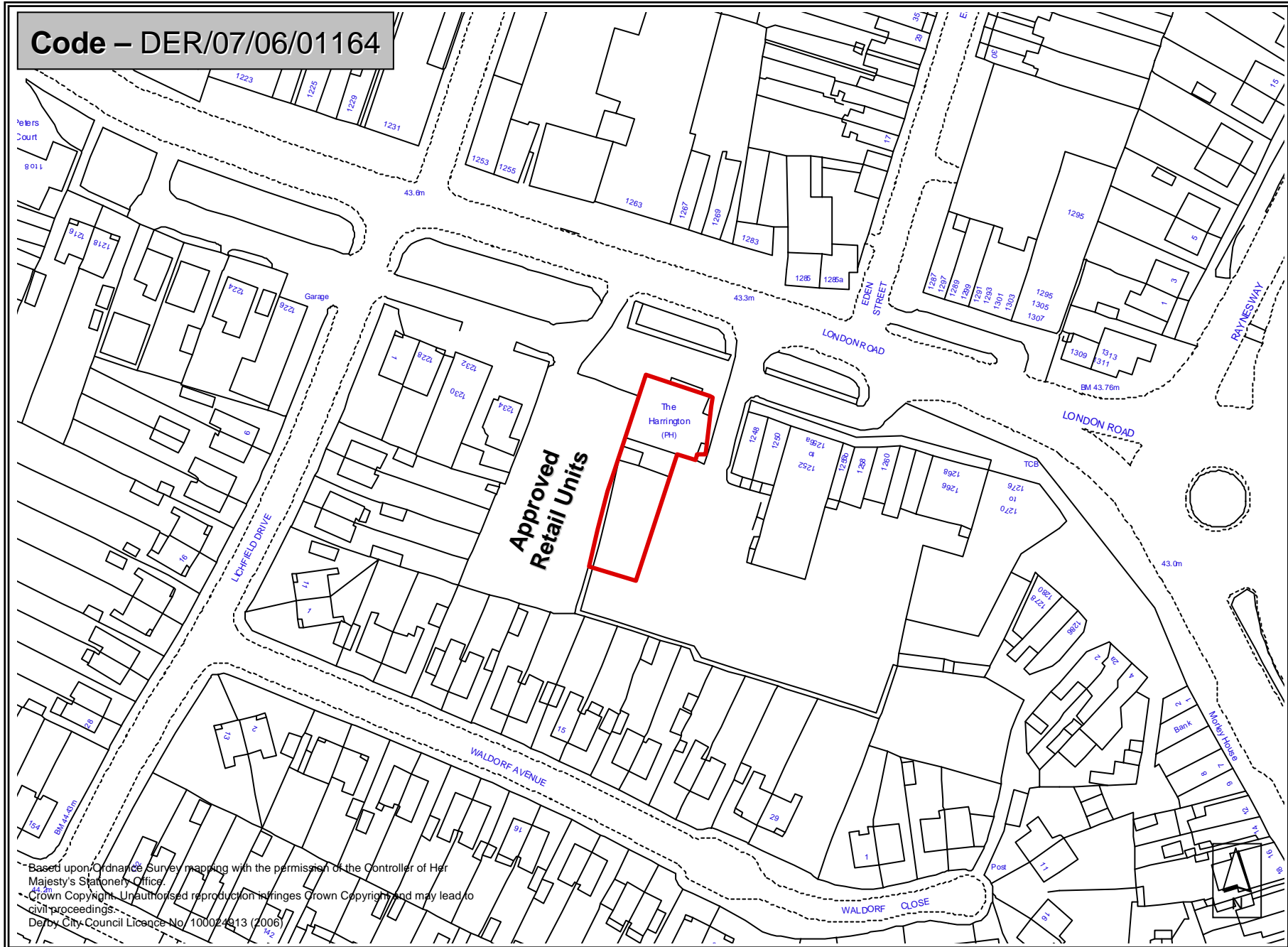
11 Code No: DER/706/1164

5. Before development commences precise details of the CCTV cameras and posts shall be submitted to and approved in writing by the Local Planning Authority. The approve scheme shall be implemented.
6. Within 3 months of the date of this decision, details showing a ramped access to the hot food counter shall be submitted to and agreed in writing by the Local Planning Authority. Within 6 months of the date of this decision, the agreed details shall be implemented.

11.4 Reasons

1. Standard reason E04
2. In the interests of protecting the right of access to land to the west of the site and to deter anti-social behaviour to the rear of the beer garden....T4, E24
3. In the interests of community safety...E24
4. E08....GD5
5. In the interests of community safety ...E24
6. In the interest of providing access to the hot food shop...T10

Code – DER/07/06/01164



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100024913 (2006)

1 **APPLICATIONS** (cont'd)

12 **Code No:** DER/706/1161

Type: Outline (all
 matters
 reserved)

1. **Address:** Site of 63 – 65 and rear of 61 Nottingham Road, Spondon
2. **Proposal:** Residential development
3. **Description:** This application was deferred at the meeting held on 9 November 2006 for a site visit. The site visit was held on 4 December 2006. This site on Nottingham Road, Spondon, comprises the rear garden of a detached dwelling at No.61, together with a childrens nursery and associated curtilages at Nos.63- 65. There are two period buildings close to the site frontage and numerous ancillary outbuildings to the rear, on a relatively level site. Existing vehicle access and off-street parking are sited off Nottingham Road. The surrounding locality is characterised by a mix of commercial and residential uses. There is a boarding cattery at the adjacent property and traditional semi-detached and detached housing nearby. An extensive area of public open space lies to the north of the site.

Outline permission is sought for residential development on the site, which is approximately 0.24 hectare in area. All matters are reserved for a future application. No details of a layout or number of units has been submitted, although vehicular access is indicated to be achieved off Nottingham Road.

4. **Relevant Planning History:** -
5. **Implications of Proposal:**
 - 5.1 **Economic:** -
 - 5.2 **Design and Community Safety:** No details of design or layout accompanied this application and as such these matters would be considered under a future reserved matters application. No adverse community safety implications would arise from the proposed residential use of the site.
 - 5.3 **Highways:** A centrally placed access within the frontage would enable an optimal visibility onto the highway. No objections subject to details being submitted of parking and vehicle access.
 - 5.4 **Disabled People's Access:** Not applicable at this outline stage.
 - 5.5 **Other Environmental:** A substantial proportion of the site is built on or hard surfaced, whilst the rear of No.61 is primarily lawned. There is a

B1 **APPLICATIONS** (cont'd)

12 **Code No:** DER/706/1161

relatively limited number of small trees towards the northern boundary, which have minimal amenity value.

6. **Publicity:**

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

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

- The proposed residential development of the gardens would amount to a significant change of use, which would be detrimental to the living conditions of nearby residents
- It would result in a considerable increase in traffic on Nottingham Road, leading to additional parking on the highway and a potential hazard to local people
- Nearby properties would be overlooked by the proposal and residents amenities would be undermined
- If the nursery moved to the adjacent dwelling, No.61, it would undermine residents amenities in the neighbouring area
- The proposal would generate a significant level of noise and disturbance.

8. **Consultations:**

DCS (EnvHealth) – A preliminary site investigation report should be submitted before development commences and where potential contamination is identified a risk assessment and site investigation should be carried out. These requirements can be secured by a planning condition.

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

- GD5 - Amenity
- H13 - Residential development on unallocated land
- E10 - Renewable Energy
- E23 - Design

B1 APPLICATIONS (cont'd)

12 Code No: DER/706/1161

- E12 - Pollution Control
- T4 - Access, parking and servicing

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

- 10. Officer Opinion:** Permission is sought for residential development of three adjoining properties, with long narrow curtilages, which are currently in a single mixed business and residential use. The site lies within a densely built up frontage of mainly residential properties and it amounts to a brownfield site, as defined by PPG 3 (Housing). The proposed redevelopment of the site for a more intensive form of residential use, would accord with the objectives of national planning guidance and Policy H13, since it would represent a more efficient use of land and is capable of accommodating a good quality form and layout. This site is in a relatively accessible location, on a main road and public transport route. The site is therefore considered to be appropriate in principle for residential development.

At the last meeting some Members expressed concern about land such as this being classed as “brownfield” and referred to certain pressures at national level to reclassify it. The first objective of national policy to make the best use of previously-developed land is to provide land for housing whilst avoiding urban sprawl and protecting the countryside. Related benefits are seen as making public services more efficient and viable through higher densities, particularly in relation to public transport.

The belief that a brownfield classification leads to over-intensive development is misplaced and arises from a failure by some Local Planning Authorities properly to apply amenity and space standards from their Local Plan. The primary policy by which proposals like the one at 61-65 Nottingham Road must be assessed is H13 of the CDLPR which I set out below:

“Planning permission for residential development (C1, C2, C3 and hostels) will only be granted provided the following objectives are met:

- a. A satisfactory form of development and relationship to nearby properties can be created, including there being no adverse effects caused by ‘backland’ or ‘tandem’ proposals;*
- b. A minimum average density of 35 dwellings per hectare on all developments, unless there are clear environmental reasons for a*

B1 APPLICATIONS (cont'd)

12 Code No: DER/706/1161

lower density. The Council will seek higher densities on sites which are closely related to the City Centre, the railway station and to public transport interchanges;

- c. Urban forms, building designs and layouts to facilitate higher densities and energy efficiency;*
- d. A high quality living environment and a layout of buildings and open spaces that creates an interesting townscape and urban form;*
- e. Good standards of privacy and security.*

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

These criteria, properly applied, will achieve PPG3 objectives whilst protecting amenity and wildlife. The removal of house gardens from the brownfield land definition would have virtually no practical effect on decisions made in the City under policy H13. The only result would be that, on a statistical basis, it would appear that Local Planning Authorities were failing to meet targets for the re-use of land. Also, I can envisage the temptation, in more rural areas, of the LPA deciding that if policy made no distinction between back gardens and fields, they would be equally justified in using real greenfield land

Although details of siting and design are reserved matters in this case, the proposed development would be capable of forming a high quality living environment and maintaining an appropriate standard of privacy and amenity for nearby residential properties. The adjacent semi-detached dwellings on Nottingham Road have long narrow rear gardens and a suitable residential layout could be created, which would not result in undue overlooking or an oppressive impact on the neighbouring residents.

Members heard at the earlier meeting that the nursery was licensed for 135 children and of the problems that this causes. Having regard to the site area and its location, the likely traffic generation on Nottingham Road would be a very substantial reduction on that generated by the nursery and it would not be concentrated in twice-daily periods as is the nursery traffic. The Highways Officer has not raised any objections to additional residential development and accepts that this is a rare example of development that will reduce traffic problems.

B1 APPLICATIONS (cont'd)

12 Code No: DER/706/1161

There seems a belief amongst objectors that the nursery will be move to No. 61. This is not part of the application and that property is quite unacceptable for nursery use owing to the very small remaining curtilage.

A limit of no more than 9 dwellings is sought on this site and as such the Section 106 thresholds for contributions are not exceeded. This would be in line with the density criteria in Policy H13, since this number of units would amount to 37 dwellings per hectare. The upper limit of dwellings can be secured by a planning condition. It should be borne in mind that this condition does not necessarily mean that 9 dwellings would be developed on the 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 adopted City of Derby Local Plan Review 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 local streetscene and would create a satisfactory living environment subject to approval of appropriate details.

11.3 Conditions

1. Standard condition 01 (outline permission)
2. Standard condition 02 (reserved matters)
3. Standard condition 38 (disposal of sewage)
4. Standard 100 (contamination)
5. The siting, design, layout and orientation of the building shall have full regard to the need to reduce energy consumption.
6. This permission shall imply approval for the erection of no more than 9 dwellings within the red edged site.

Reasons

1. Standard reason E01
2. Standard reason E02
3. Standard reason E21
4. Standard reason E49...policy E12

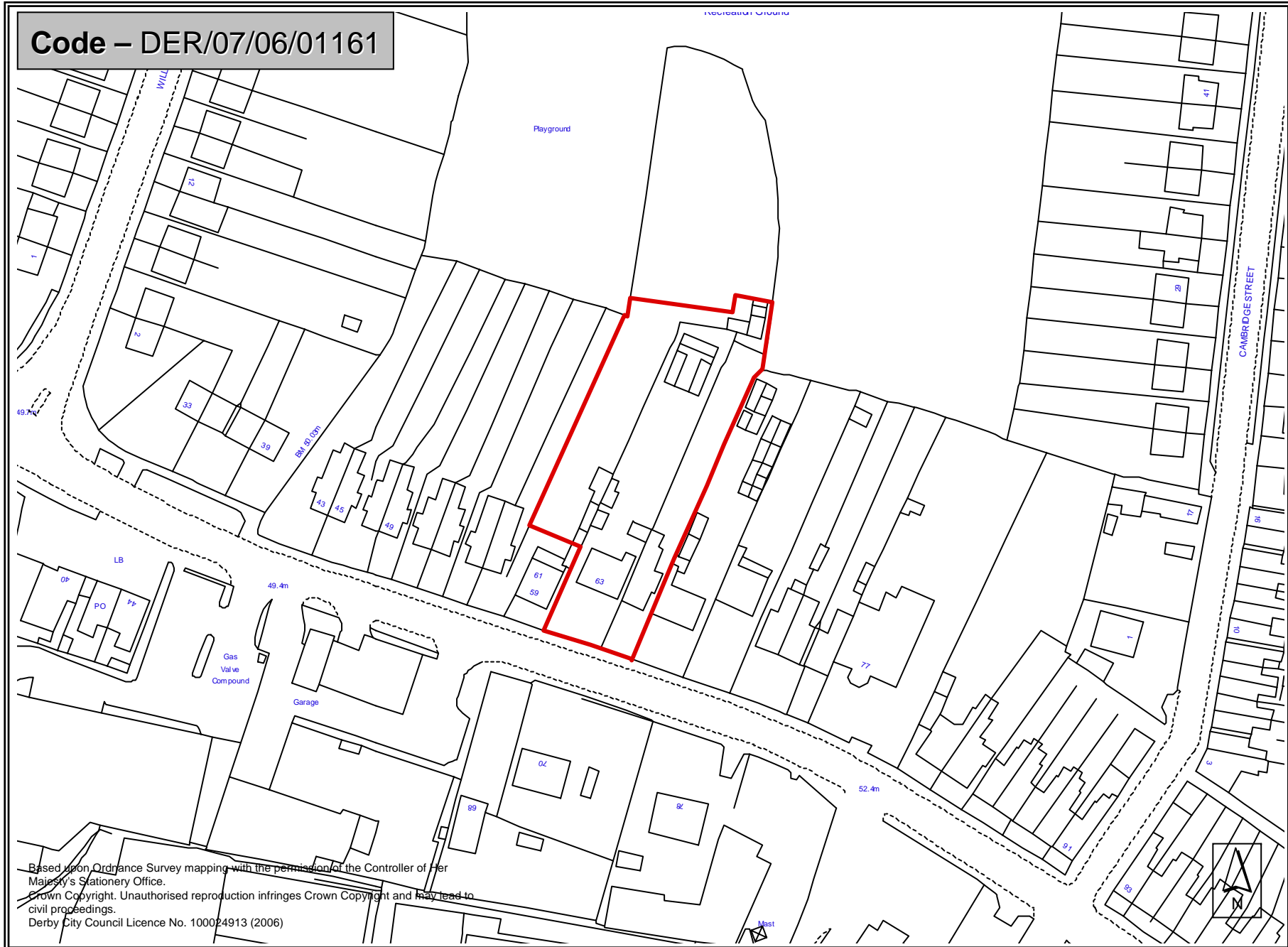
B1 APPLICATIONS (cont'd)

12 Code No: DER/706/1161

5. Dwellings that are south facing, having solar panels and/or wind turbines will help to reduce energy consumption reducing pollution and waste....policy E10
6. A more intensive development would attract contributions to be secured by a legal agreement, which have not be sought for this proposal.

11.5 S106 requirements where appropriate: None.

Code – DER/07/06/01161



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 100024913 (2006)

B1 APPLICATIONS (cont'd)

13 Code No: DER/1006/1567

Type: Full

1. **Address:** Land adjacent to Tourist Information Office, Market Place
2. **Proposal:** Erection of screen for public information
3. **Description:** This application was deferred by Committee at the last meeting for further information on noise levels, control of noise, hours of operation and the views of Cityscape and the Police. This information has been requested and will be available at the meeting. I have also added a condition to cover these aspects. This application seeks planning permission for a public information screen on the eastern side of the Market Place.

The screen is 7 m wide by 5 m high, supported by 650mm columns, bringing the total width of the structure to 7.81m. The screen itself is 4m above ground level and has a depth of 0.7 metres.

The proposed screen would be in use 24 hours a day to relay a variety of video images of local events, and occasionally, sporting events to the public of Derby. This may include major sporting events, such as football or Wimbledon, planned in advance with the police and other authorities. It could be used to relay video images of events taking place in Derby such as the Darley Park classical concert, Caribbean Carnival and the Asian games. It will also be used to display video material produced by arts organisations and documentary material produced by community groups, the Council and its partners, the University and the BBC. I understand it will not be used for commercial advertisements but may display appropriate BBC programmes and some material will be supplied by commercial sponsorship. The display will be controlled by the Council and its partners. There will be four speakers located in the market place to relay the sound.

An options appraisal has been submitted with the application identifying seven options for its location. In addition to the submitted site in front of the TIC (B1), these include two sites in and partly in the gap between the Assembly Rooms and Quad (A & E), on the north side of the Market Place in front of the Assembly Rooms (C), in front trees at the west side of the square (D), in the north west corner of the square against the blank wall of the Assembly Rooms (F) and affixed to the TIC at second floor level (B)

The preferred option (B) and that submitted for planning permission is freestanding but with the screen located approximately at second floor level.

4. **Relevant Planning History:** None.

B1 APPLICATIONS (cont'd)

13 Code No: DER/706/1161

5. Implications of Proposal:

5.1 Economic: The screen is likely to bring life to the Market Place and benefit surrounding businesses. Any negative impacts will need to be closely monitored.

5.2 Design and Community Safety: The potential to assimilate the screen in the square and the conservation area is discussed in officer opinion. The screen will have negative and positive implications for community safety which will need to be managed.

5.3 Highways: None.

5.4 Disabled People's Access: The screen's location should minimise the potential for conflict between pedestrian movements and screen viewing.

5.5 Other Environmental: Any noise pollution from the facility should be managed. There will be a control room in the Guildhall or Assembly Rooms/TIC complex. In addition, the screen can be controlled remotely.

6. Publicity:

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

7. Representations: Three representations have been received concerned at levels of noise, problems with crowds, use of energy and visual intrusion. These are reproduced.

8. Consultations:

CAAC – objected at pre and application stage and recommend refusal on the grounds that the proposed screen would be an over-dominant and inappropriate intrusion into the historic open space of the Market Place and would, therefore, neither preserve nor enhance the character of the City Centre Conservation Area. The 24 hour usage would adversely affect the special integrity of the Market Place's public open space. At pre-application stage it considered a location outside the conservation area would be more appropriate and less sensitive.

B1 APPLICATIONS (cont'd)

13 Code No: DER/1006/1567

CAAC in considering the application has maintained its view that the proposal is not acceptable within the Conservation Area.

Cityscape – to be reported.

Police ALO – to be reported.

- 9. Summary of policies most relevant:** The following CDLPR policies apply:

E18 - protection of conservation areas
L8 - Leisure and Entertainment Facilities
E24 - Community safety

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 determination of this application is based on the impact on the Market Place as an historic open space within the conservation area both in terms of the visual impact of the structure and in terms of the impact arising from its use. Also to be considered is the benefit or dis-benefit to the public and nearby businesses and any contribution to the cultural life of the city.

Policy E18 requires that proposals should enhance or preserve the special character of the conservation area and encourage its physical and economic revitalisation. Policy L8 requires that business activity is not unduly inhibited, a sequential test with the city centre as first option and sites well served by public transport and pedestrian and cycle routes.

There is no doubt that a screen of this size is difficult, if not impossible, to assimilate within the Market Place. I requested an options appraisal to assess the respective merits of a number of options within the Market Place. This appraisal attempts to assess the visual impact and the practical aspects of viewing the screen. With respect to these options I considered three totally unacceptable visually and not worth further consideration. Of the remaining three, discounted options, the least harmful visually was attached to the upper floors of the TIC but ruled out because of the blocking of windows to the meeting room, greater width, potentially higher installation cost, more difficult maintenance and greater height with the audience correspondingly further from the screen. One further option, located at the west end of the square against a backdrop of trees, blocked views of the good buildings on that side and was not good from an audience viewing aspect. The remaining option was well located against the blank elevation of the Assembly Rooms by the stage door but this had

B1 APPLICATIONS (cont'd)

13 Code No: DER/1006/1567

disadvantages regarding the viewing position, poor visual aspect to Irongate and location over a main pedestrian route.

The selected option is the least harmful workable solution but it still is not complimentary to the architectural style of the Assembly Rooms, it blocks light to the meeting room and is high. It does have good visibility from Irongate into the square and does not block pedestrian routes.

Members will note CAAC's view and my comment in this report that a structure of this size cannot be readily assimilated into the conservation area. However, Quad and more particularly, the Assembly Rooms have changed the historic character of the Market Place and I think the display, far from detracting from the open space will bring in an audience and create a far more lively atmosphere thereby encouraging revitalisation.

With respect to impact on surrounding business, talks have been held with the Registrar's Office and the Assembly Rooms in order to avoid problems to those organisations and achieve mutual benefits.

In conclusion, Members will no doubt agree that the screen will be a dominant feature in the conservation area but it will revitalise the life of the Market Place and bring other benefits which outweigh the disadvantages.

For Members information, big screens exist in Birmingham, Hull, Liverpool, Manchester, Leeds, Rotherham and Bradford.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with a condition.

11.2 Summary of reasons: The proposal has been considered against the City of Derby Local Plan policies as summarised at 9 above and presents a proposal where the benefits outweigh the disadvantages of the scheme helping to revitalise the Market Place and conservation area generally.

11.3 Condition

Before the screen is brought into use, a method statement shall be submitted to and approved in writing by the Local Planning Authority indicating how the impact on the surroundings will be minimised and controlled in relation to noise levels and hours of operation.

B1 APPLICATIONS (cont'd)

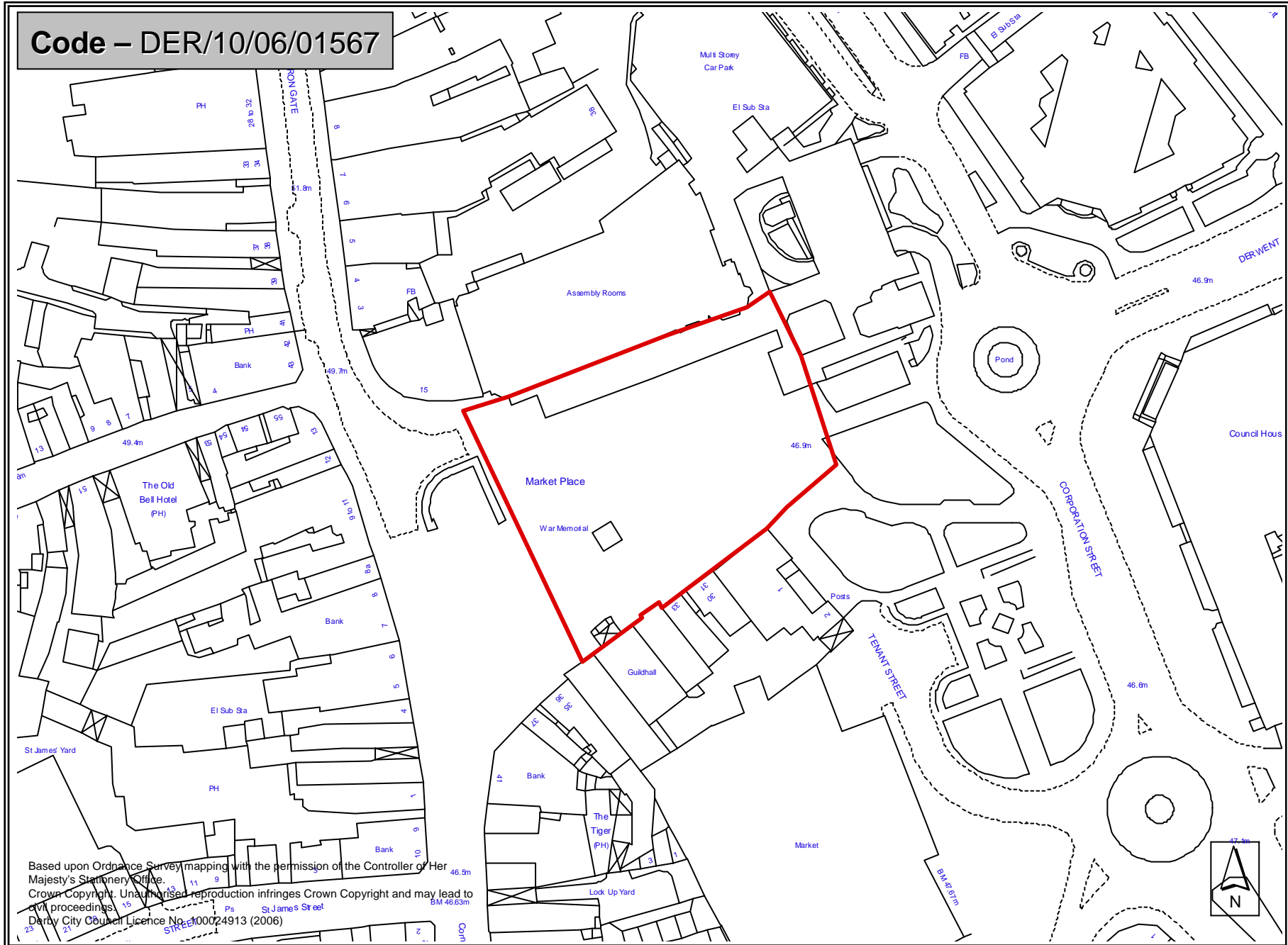
13 Code No: DER/1006/1567

11.4 Reason

To minimise the impact on nearby occupants of premises and users of this part of the City Centre in accordance with policies L8, E18 and E24.

11.5 S106 requirements where appropriate: None.

Code – DER/10/06/01567



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No. 00024913 (2006)

B1 APPLICATIONS (cont'd)

14 Code No: DER/1106/1802&
DER/1106/1803

Type: Full and
Listed building

1. **Address:** Roundhouse Complex, Roundhouse Road
2. **Proposals:** DER/1106/1802 - Alterations to the Roundhouse to form college, with new linking building, freestanding college building, day nursery, access, parking and landscaping.

DER/1106/1803 - Demolition of parts of former railway workshops and alterations to retained buildings.

2. **Description:** These applications are reported at an earlier stage of their assessment for reasons that are set out in "Officer Opinion". They are not ready for determination.

The Roundhouse group of buildings are listed grade II* and grade II and are of national importance. The full descriptions can be found on the Council's website. (Because of the original road access they are to be found under "Railway Terrace")

These two applications seek full planning permission and listed building consent for the major scheme to restore, alter and expand the Roundhouse group of buildings for use by Derby College.

The applications are accompanied by a Design and Access Statement, Planning Support Statement, Transport Assessment, Flood Risk Assessment and a Conservation Statement as well as the usual range of drawings of site layout, building alterations and new build.

As is often the case with complex schemes, they are not conducive to written description but all the documents are available on the Council's website, accessed via the application Code No. in the normal way. I will however give a brief overall description of the proposals.

Demolition is confined to the area between the south-eastern end of the Midland Counties building and the North Midland Carriage Shop. Most of the demolition is of early date but it does include the somewhat later canopy and the 1950s first-aid block. In this area it is proposed to construct a link block.

The site layout, as submitted, comprises a private road from the current end of Roundhouse Road leading to all parking and circulation areas. Most of the open areas are for these purposes or are hard landscaped, with the central landscaping feature being a pool in the form of a facsimile railway turntable. At the northern end of the site there is a freestanding new build proposal of some 6800 sq m on three floors.

B1 APPLICATIONS (cont'd)

14 Code No: DER/1106/1802&
 DER/1106/1803

Total floorspace is some 21,600 sq m, with the remainder coming from the conversion of the listed buildings.

The general arrangement of facilities is engineering and construction in the Midland Counties building, a Resource Centre in the North Midland Carriage Shop, administration in the Clock Tower offices and exhibitions / food court in the Roundhouse itself. A notable feature will be the retention of the turntable with the ability to change exhibited locomotives.

3. Relevant Planning History: Three previous schemes have received planning permission and listed building consent. In order these were:

- The Waterman Rail scheme for a railway centre for repair and servicing of locomotives and rolling stock
- The Southern Derbyshire Chamber scheme for a conference centre
- The Sladen scheme for mixed uses including hotel, bar restaurant, offices, residential, café, extension to road, turning circle and civic square.

All of these foundered on viability grounds. A later scheme, by Urban Catalyst, failed before reaching the stage of formal applications. Whilst these failed schemes are part of the site's history they have identified constraints and have established a number of principles.

5. Implications of Proposal:

5.1 Economic: This proposal has a major economic significance, well beyond the direct employment of some 250 who will mainly be transferred from Mackworth. It is intended to consolidate the College's ability to provide tertiary and adult education for the City and a substantial surrounding area, with emphasis on practical vocational skills to complement the academic and artistic work at the Joseph Wright Centre and the agricultural activities at Broomfield Hall.

5.2 Design and Community Safety: The size and status of the listed buildings makes any development, whether an adaptation of the existing or new build or a combination of both as in the current proposals, very sensitive.

There are some community safety implications which I deal with briefly in "Officer Opinion" and will deal with more thoroughly in a subsequent report. The college also has safety and security needs that are specific

B1 APPLICATIONS (cont'd)

14 Code No: DER/1106/1802&
DER/1106/1803

to its operations and are therefore different to those that obtained for previous schemes.

5.3 Highways: There are substantial implications that are still being assessed. They relate to physical on-site matters such as the turning facilities at the end of Roundhouse Road, pedestrian and cycle access through the site and to wider transport impacts on Pride Park as a whole. There will be a very significant increase in demand on public transport, pedestrian and cycling facilities. Improvements will be necessary if Derby College is to be accessible and if they are to achieve the targets set out in the Travel Plan.

The College estimates that 550 students and staff will arrive at the Roundhouse site in the morning peak and more information is awaited on how they anticipate catering for this demand. The submitted Travel Plan states the College will operate 3 buses of 45 person capacity linking their sites. It is known that the College's service to the Joseph Wright site is overcrowded and these problems must be avoided at Pride Park.

A number of students will be arriving on public service buses from the south of the City. The facilities on Pride Parkway will not accommodate this demand and will need to be improved as a result of the College's development. Pedestrian facilities to and from the bus stops also need to be improved to provide safe opportunities for pedestrians to cross the road on the required desire line.

5.4 Disabled People's Access: All new build floor space will be accessible as will all areas within the ground floors of the listed buildings and almost all of the upper levels. There may be some small areas where the complexity of conversion at the upper levels prevents total access being achieved. The location and number of parking spaces is under negotiation.

5.5 Other Environmental:

6. Publicity:

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

7. Representations: None at the time of preparation of this report.

B1 APPLICATIONS (cont'd)

**14 Code No: DER/1106/1802&
 DER/1106/1803**

8. Consultations: These will be reported when the application comes back to this Committee for determination but if any significant comments are received by 14 December they will be reported orally. I will report to this meeting the views of CAAC which is to consider these applications on 7 December.

9. Summary of policies most relevant: Adopted CDLPR:

GD1 - Social inclusion
GD2 - Protection of the environment
GD3 - Flood protection
GD4 - Design and the urban environment
GD5 - Amenity
GD8 - Infrastructure
R1 - Regeneration (cross-reference to EP3)
CC13 - Castle Ward (cross-reference to T15(9))

EP3b - Pride Park, includes a wider range of permissible uses in the area including the Roundhouse, compared to Pride Park generally, and makes provision for a “civic square” adjoining the clock tower

E10 - Renewable energy.
E11 - Recycling facilities.
E12 - Pollution.
E13 - Contaminated land.
E17 - Landscaping schemes.
E19 - Listed buildings.
E20 - Uses within buildings of architectural or historic importance.
E21 - Archaeology.
E23 - Design.
E24 - Community safety.
E25 - Building security measures.
E27 - Environmental art.
L11 - New community facilities.
LE1 - Education uses.
T1 - Transport implications of new development.
T4 - Access, parking and servicing.
T6 - Provision for pedestrians.
T7 - Provision for cyclists.
T8 - Provision for public transport.
T10 - Access for disabled people.
T15(9) - Pedestrian and cycle routes at Pride Park.

B1 APPLICATIONS (cont'd)

**14 Code No: DER/1106/1802&
 DER/1106/1803**

The above is a summary of the policies that are relevant. Members should refer to their copy of the CDLP Review - 2006 for the full version. It will be appreciated that this scheme has widespread cross-policy implications and that makes assessment of it very complex.

Also relevant are PPS1, PPG13, PPG15, PPG16, and PPG25. Of these, PPG15, Planning and the historic environment, is the most important.

- 10. Officer Opinion:** Some Members will be only too familiar with the history of failed schemes for the restoration and redevelopment of this group of listed buildings that is recognised as of national significance. Whilst the previous schemes involved some hard negotiations and choices, none failed because of planning control; the problem always was that the value of the finished product was less than the cost of achieving it. The traditional temptation in such cases is always to try to extract more value by incorporating ever more exotic – and risky – activities but that approach has not been followed here. Instead, the gap has been honestly recognised and a variety of funding sources have been pursued to bridge it.

I am reporting this item well before I am able to give detailed recommendations on the two applications as it is vital that the various funding sources are given a degree of comfort about the acceptability of the proposals to the Local Planning Authority. The applicants are in a difficult position in that they were unable to instruct that the very lengthy and detailed professional work be undertaken until provisional funding had been promised. Certain funding timescales were then impracticable in relation to the completion of that work and its processing through the planning system.

The “Officer Opinion” in my next report to this Committee will be more comprehensive but on this occasion my purpose is to acquaint Members with the scheme, obtain confirmation of the extent to which commitments by way of policy and past decisions need to be maintained or relaxed as the case might be, and generally to obtain a resolution of support.

Whilst most aspects of the scheme interact, it is useful to consider two main headings:

- “Normal” planning considerations, that is land use, economic development, site layout, transport and design in the broader sense

B1 APPLICATIONS (cont'd)

14 Code No: DER/1106/1802& DER/1106/1803

- Listed building issues, including restoration, the level of acceptable demolition and change, the impact of external features such as new build, landscaping and highway and transport matters on the setting of the buildings.

Land use planning considerations

The adopted Local Plan makes specific provision for non-residential institutions, which includes schools and colleges, (Class D1) in this part of Pride Park. The use, as a college, is in my view ideal. It is desirable in educational terms in that the part of the college's activities involved will be brought close to the City Centre and, with the vocational emphasis on subjects to be taught there, their housing in buildings constructed at the very beginning of the railway age in Derby is highly appropriate.

Large numbers of people will be accommodated and will have substantial transport needs, but these are likely to be far more manageable than alternatives involving commercial activities pulling in adult customers.

There is no forecast increase in employment, with all staff transferred from elsewhere. However, the transfer of most from Mackworth is highly desirable as it moves staff from a location with poor access other than by car to one close to the City Centre, far better connected to public transport, although enhancements will be needed, as set out in section 5.3 above. The economic development benefit is not so much in terms of direct initial employment but of the contribution that the scheme makes to enhancing the range and quality of the City's educational provision.

Transport-related matters have thrown up a number of problems because of the College's special safety and security needs, compared with previous mixed-use commercial schemes, have led to a security-fence solution to protect external areas. This gives difficulties with the provision and location of the essential turning circle at the end of Roundhouse Road, pedestrian and cycle routes across the site and the achievement of the improved station entrance and of the civic square envisaged in the Pride Park Masterplan, the CDLP and the CDLP Review.

Negotiations are continuing on these matters. My view is that the turning circle is indispensable as we currently have an uncompleted and substandard road with no proper and safe way of turning within highway limits. It was quite specifically built to this point with its

B1 APPLICATIONS (cont'd)

**14 Code No: DER/1106/1802&
 DER/1106/1803**

completion dependent on the development of the Roundhouse land. Planning permission for it has been granted in connection with previous redevelopment schemes and the last of these is still extant. There is nowhere else to accommodate it and the College has been aware of this requirement.

The pedestrian and cycle route from the station entrance to the north (policy T15(9) of the CDLP-R) would compromise severely the College's security needs if it were open 24 hours a day. Placing it along the railway boundary but fenced off would create security risks to users. The college has indicated that it would be prepared to accept it as permissive path through its site, open from 0800 to 2000 on every day and I feel that this may be an acceptable compromise to achievement of the facility envisaged in the Local Plan.

The desirability of a further pedestrian-only route not identified in the Local Plan has arisen because of the commencement of bus services on Pride Parkway and the location of bus stops to the north-east of the Roundhouse site. This has resulted in pedestrians crossing at a point not envisaged in the original major highway layout. This is tolerable with the current low level of people using those stops but will need to be addressed for the likely volumes arising from college use.

The civic square is along-standing aspiration to achieve a space of some distinction, rather than a simple roadway, in the area between the station entrance and the clock tower. The reasoned justification in the Local Plan states that the civic square is intended to form a gateway to Pride Park, it will be linked to the footbridge and its design will pay particular attention to its relationship to nearby buildings.

In the application the whole of the area between in the angle of the main listed buildings is shown as a landscaped area, mainly hard landscaping in the form of a replica turntable over pool, with radiating tracks. That directly in line with the Roundhouse entrance would be a functional track accessible by low-loader for the occasional change of locomotives. It would therefore be an area of high-quality external space and be available during the same times as the path across the site. Its use, like the path, would be on a permissive basis. In principle I consider that this facility could be an acceptable substitute for the civic square as envisaged up until now. Further discussions are needed on how the College would manage the area and its likely policy on the grounds of exclusion of people.

To the north of the major new build block a day nursery is proposed. This facility is difficult to locate in terms on accessibility, security and

B1 APPLICATIONS (cont'd)

**14 Code No: DER/1106/1802&
 DER/1106/1803**

visual impact. Negotiations are continuing and its location may be adjusted.

Listed building issues

English Heritage has been involved in the preparation of this scheme at a much earlier stage than previous ones. Nevertheless, I am aware that EH officers do have concerns about certain aspects of the proposals and have suggested ways in which the impact can be both better justified and mitigated.

The most contentious matter, as in previous schemes, will be the justification for the demolition of the smithy and adjoining buildings and the insertion of a link block in a quite distinct modern idiom. I expect that the CAAC will have commented on this at its meeting on 7 December and its views will be reported orally.

The scheme architects are reconsidering the planting and vertical elements of the landscaping. I am aware that there are divergences of opinion as to the right approach. Historical authenticity would suggest nothing in the way of vegetation but I feel that that would give a needlessly harsh appearance and that some planting, but not such as to obscure the ability to appreciate that buildings, should be used.

More detail and specification for internal works is awaited. In principle I believe that treatments and adaptations acceptable to the LPA and to EH are being pursued. A linkage to the general planning considerations for the external areas is that, in places, the security fence / gates will abut the listed buildings. Certain suggestions have been made about type and quality but these require firstly the resolution of more fundamental external area matters.

The substantial new build block at the northern end of the site is in a similar design idiom to the infill block. The separation from the nearest listing building is reasonable and I do not see that any arguments about the infill block could be transferred also to this building.

Conclusions

The College's scheme is, in my view, the best in terms of publicly beneficial end-use and certainty of implementation of all the schemes that have been proposed over the last 11 years. The phrase "last chance" is often overdone but it is vital that these buildings are taken in hand before deterioration makes their restoration even more complex and expensive.

B1 APPLICATIONS (cont'd)

**14 Code No: DER/1106/1802&
 DER/1106/1803**

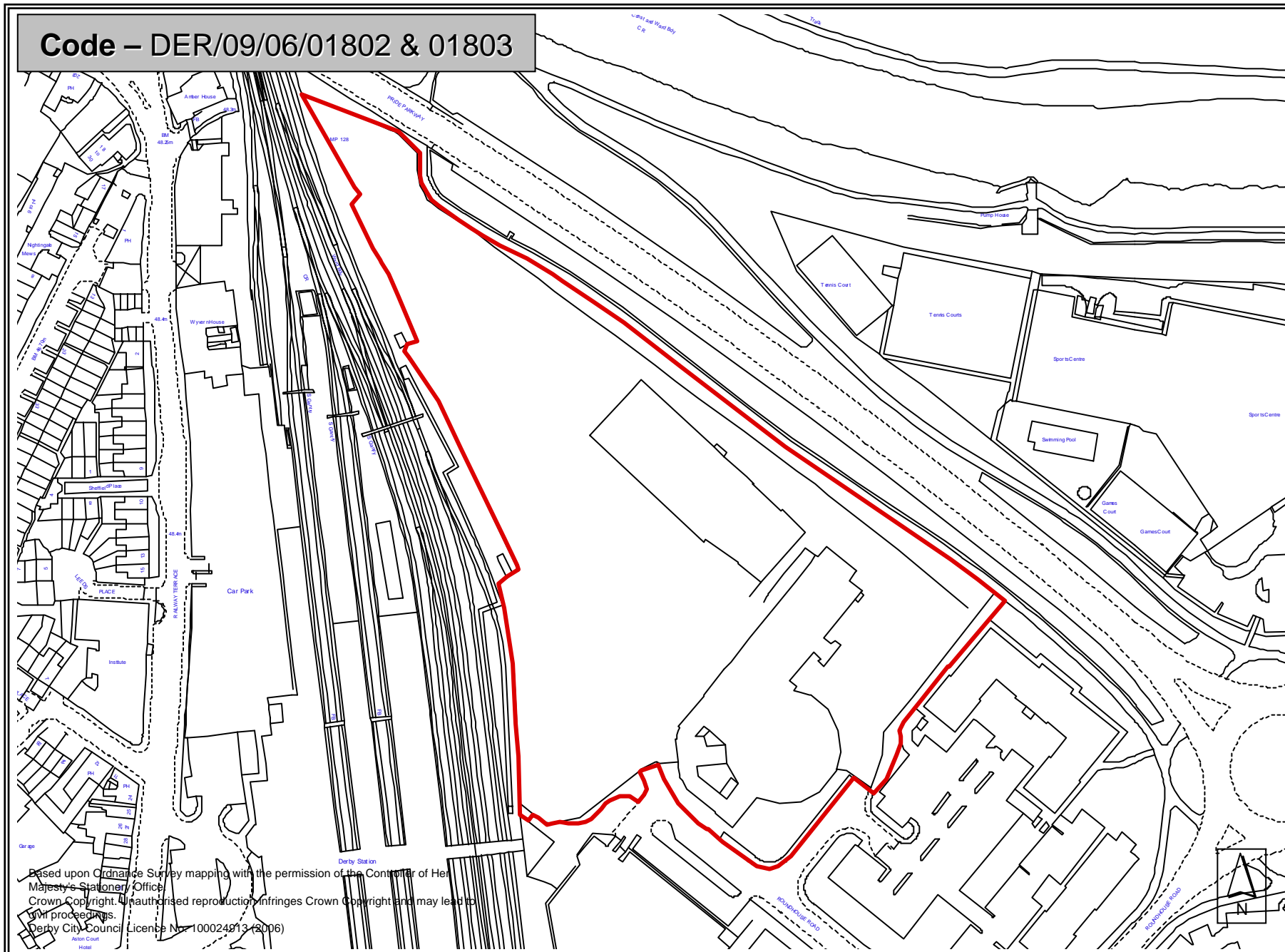
I consider that the external works layout matters can be reconciled. In my view the turning circle completion to the road is essential but I consider that both the pedestrian / cycle route and the civic square policy objectives could be acceptable if made available by the College on a permissive basis. An Agreement or memorandum of understanding may be necessary to establish the basis on which they could be used other than by students and staff.

The listed building approach is substantially on the right lines but much more work is required on justification and refinement. Some of this will be required before determination as it is information essential to being able to come to the conclusion that a listed building consent should be issued. Certain large-scale details and specifications, and the manner in which the work is carried out can be controlled by condition.

11. Recommended decision and summary of reasons:

- 11.1 A. To note the report,** to endorse welcome of the scheme, and both the requirements and suggested areas of compromise in the conclusions above.
- B. To instruct officers** to continue negotiations on both applications with a view to the matter being considered more fully at the meeting to be held on 25 January 2007.

Code – DER/09/06/01802 & 01803



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.
Derby City Council Licence No: 100024213 (2006)

D2 SPECIAL ITEMS

1 APPEALS DECISIONS

Appeals against planning refusal

Code No	Proposal	Location	Decision
DER/206/240	Works to two maple trees	Site at High View School (North Site), St Andrew's View, Derby TPO 1997, No. 149.	Allowed
<p>Comments: The Inspecting Officer concluded that the appeal trees contribute to the amenity of the surrounding area and although they cause some loss of light, this is not excessive. However, the trees have previously been the subject of regular pollarding resulting in an unbalanced form which has severely compromised the trees, leaving them susceptible to potential stem fracture. Furthermore, while an initial reduction of 3.5 m would initially affect their amenity, the trees would stimulate further growth and replace any lost amenity value with good future management. The appeal was therefore allowed on this basis.</p>			

Code No	Proposal	Location	Decision
DER/206/332	Felling of Bhutan Pine covered by TPO No. 392	27 Penny Long Lane	Dismissed
<p>Comments: The Inspector considered that the pine tree contributes to the amenities of the surrounding area and is a healthy, mature specimen, which does not show any signs of decay which would compromise its health. He considered that the future growth of the tree is not likely to be excessive and could be managed by pruning. Felling is therefore not justified in this case. In relation to the concern about branches overhanging the garden and dwelling, this was not considered to be an undue problem and could be dealt with by pruning. The tree may have caused some damage to the adjacent property at No. 29 Penny Long Lane, although it is seemingly also related to defective drains, which could be dealt with by remedial steps, without the need for felling. He also agreed that the new dwelling and extension on the site, both with the benefit of planning permission could be constructed without harming the future health of the tree.</p>			

D2 **SPECIAL ITEMS** (cont'd)

1 **APPEALS DECISIONS**

Code No	Proposal	Location	Decision
DER/306/481	Outline for residential development	Land to rear of 81 Locko Road, Spondon	Dismissed
<p>Comments: The main issues relating to the proposal are considered to be the acceptability of the proposed access and the constraints of the site in terms of parking and turning and the effect on nearby trees. The Inspector considered that the access could be widened to form a passing place and that visibility onto Locko Road was satisfactory. The site is located at the rear of the curtilage of 81 Locko Road and a single dwelling is proposed. It is a small site abutting neighbouring residential properties, although it was considered to be large enough to accommodate a small bungalow with sufficient parking and amenity space. It could also be designed to avoid undue overlooking of neighbours. Policy H13 could therefore be met. The development would have a significant adverse effect on an Acer Tree and Horse Chestnut tree overhanging the site which are not protected. The Inspector considered that they both make a significant contribution to the visual amenities of their surroundings and Policy E9 therefore applies. The benefits of the proposed dwelling would not outweigh the visual merits of the trees and the appeal was thereby dismissed.</p>			

Code No	Proposal	Location	Decision
DER/805/1413	Outline application for residential development	Land to north east of Exeter Street	Allowed
<p>Comments: This appeal was considered at a public inquiry and the only outstanding objection to be debated was the degree of flood risk to the development and whether a safe pedestrian access could be provided for future residents in times of flood. The site is currently developed, brownfield land in the city centre and part of the North Riverside quarter identified in the Cityscape Masterplan for regeneration. It is in flood zone 3, at highest risk of flooding in a 1 in 100 year event. The 2000 flood model predicted that the site would be covered in about 2 metres of water, with about 0.46 metres in St Alkmunds Way and as such there would be no dry pedestrian access in a 1 in 100 year flood. Information from a more recent model done in 2006 was produced at the Inquiry. Although this model did not have final approval from the Environment Agency, the Inspector has given it significant weight. This predicts a lower flood level in a 1 in 100 year event, which would be about 0.9 to 1.2 meters below the previous model estimate for this site. It means that dry access could be made available from the site to St. Alkmunds Way to the north east boundary. Allowance should also be made for climate change which is estimated to add an extra 100-300 mm of water to the predicted flood</p>			

D2 SPECIAL ITEMS (cont'd)

1 APPEALS DECISIONS

level. This means that the pedestrian access would be a little under water in a 1 in 100 year flood.

The Inspector also took account of paragraph 35 of PPG 25 (Development and Flood Risk), which encourages a flexible and balanced approach to proposals on previously developed land and that mitigation measures had been put forward by the appellant to avoid undue impacts from flooding on the development. She also noted that this is one of a number of sites in this part of the city centre which are at flood risk and coming forward for redevelopment for uses including housing.

Despite the EA's concern that residential development shall be protected by flood defences in the event of a 1 in 100 year event, the Inspector considered that there is no prospect of these being provided in the near future. The current defences on the River Derwent would give some protection, although the site would still be flooded in a large event. This would inundate the ground floor of the development, which may be used for car parking. The risk could further be minimised by appropriate flood protection measures in the design and construction of the building and this could be secured by a suitably worded condition.

In conclusion, the degree of flood risk to the development could be mitigated and a pedestrian access could be provided for future residents in a 1 in 100 year flood with some allowance for climate change. Outline permission was therefore granted, with conditions, including a flood mitigation scheme.

RECOMMENDATION: To note the report.