

B1 APPLICATIONS

1 Code No: DER/12/07/02305

Type: Full

1. **Address:** Land corner of Audrey Drive and Martin Drive (Disused Garages)
2. **Proposal:** Erection of five dwelling houses and garages
3. **Description:** This application was presented to the Committee on the 3 April, 2008 where it was deferred for a site visit to take place. Since then amendments have been made and further information relating to the following matters has been submitted:
 - Possible contamination of the site (to be reported orally)
 - Access to the site and highway safety
 - Accurate positions and sizes of the trees on the adjacent open space
 - Layout on the site and blank elevation of Unit 1
 - The petition referred to at the previous meeting has now been located and is available in the Council Chamber Foyer
 - Occupation of the garages.

This full application refers to land currently used as a lock up garage court. The site is separated from Martin Drive by a quite extensive grassed area containing several mature trees. This land is in control of the City Council. To the rear of the site is an infant's school; while to the side (east) are two storey properties on Martin Drive. Opposite the site on Audrey Drive are one and two storey residential properties facing the application site.

It is proposed to erect a terrace of four three storey houses facing No.2 and 2a Audrey Drive with pedestrian access from Audrey Drive. It is also proposed to erect a two storey building to the rear of the site with three garages on the ground floor and a single storey two bedroom, single aspect dwelling on the first floor. It had previously been proposed to provide a double garage to the west of the block however after further consultation the garage has now been omitted from the scheme and two parking spaces provided in its place for units 3 and 5. It must now be noted that vehicular access has been limited to the previously shown access off Martin Drive and pedestrian access to units 1-4 has been provided in two locations off Audrey Drive. Taking into consideration the proposed amendments seven parking spaces (three directly in front of the garages) together with the three in the garage are now to be provided, with vehicular access from Martin Drive alone. The car parking area would be contained behind a 2.0m high screen wall.

B1 APPLICATIONS (cont'd)

1 Code No: DER/12/07/02305

Both buildings would be of a conventional pitched roof design, and would be faced in traditional red brick and grey roof tiles. At the previous meeting Members raised concern in relation to the blank

elevation on the side of unit 1 which would be highly visible from Martin Drive. Further to these concerns amended plans have been submitted to show two windows on the side elevation.

The site is currently owned by the City Council and a number of the garages are still in use. Members requested that the addresses of all occupiers of the garages be presented in order to determine who the garages are used by to analyse the resultant impact the loss of parking the removal of the garages will have on parking facilities in the locality. Apparently 10 of the 25 garages are used by residents who have registered their address within ¼ mile of the site. Of these 10 occupiers, 4 have hard standings at their own property, and as such the net effect on the surrounding area could be then seen as 6 cars.

Details in relation to the possible land contamination on the site have been submitted to the Authority and are currently being analysed by officers in order to be reported orally to Members.

4. Relevant Planning History: None.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: There are no objections to raise in relation to the design of the proposed buildings and the amendments submitted are felt to improve the design of the units in the street scene. The three storey units would add variety to the locality and would be at an oblique angle to the properties directly opposite. The two storey unit is at an oblique angle to No.6 Martin Drive and would not be dominant in the street scene. Overlooking within the scheme would give reasonable surveillance into the rear gardens and garage/parking area.

5.3 Highways: No Objections. Amendments have now been submitted to show the main vehicular access to the site off of Martin Drive and two points of pedestrian access to the rear of units 1-4 off of Audrey Drive. The removal of the vehicular access off Audrey Drive should eliminate any concerns regarding increased traffic on Audrey Drive and concerns in relation to the access to the adjacent school.

B1 APPLICATIONS (cont'd)

1 Code No: DER/12/07/02305

5.4 Disabled People's Access: The dwellings will have a degree of accessibility through compliance with Building Regulation guidance.

5.5 Other Environmental: There are some fine mature trees close to the site on the Martin Drive frontage. These trees are controlled by the City Council, and the advice of the Arboricultural Officer has been sought. It is proposed that these trees be retained. Further details have been submitted to show the precise sizes and locations of the trees on the adjacent open space.

6. Publicity:

Neighbour Notification letter	15	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: 20 Letters of objection (in effect 20 copies of the same letter signed by different people)

A list of approximately 103 names and signatures of objectors has been received but without addresses.

Further to the submission of the amended details one further objection has been received.

These are available in the Council Chamber foyer. The main points raised by objectors include:

- Some of the garages are still being used
- Increase of traffic next to the infants school
- Loss of parking in a congested area
- Loss of 25 garages to gain one unit for social housing
- The garages are infact very popular.

8. Consultations:

Corporate & Adult Services (Estates) - No objection.

Env. Services (Trees) - No objection in principle, subject to an appropriate condition regarding details of demolition of garages, agreed Root Protection Areas for all trees, and details of the construction of the access drive.

B1 APPLICATIONS (cont'd)

1 Code No: DER/12/07/02305

Further comments on the amendments - A tree protection plan would be useful in order to gauge whether the proposed no dig path to Audrey Drive will have significant impact on tree roots where it joins the existing footpath. Also

the backfill '7' on drawing SD/S/44 should be omitted where it is within the RPA of the tree. The backfill will alter soil levels and would lead to compaction of the soil which could damage the tree roots. It may be appropriate to plant this area with shrubs in order to negate the trip hazard.

9. Summary of policies most relevant:

GD4 - Design and the Urban Environment
GD5 - Amenity
H13 - Residential Amenity- General Criteria
E9- - Trees
E10 - Renewable Energy
E23 - Design
T4 - Access, Parking and Servicing
T5 - Off Street Parking

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:** There is no objection in principle to the redevelopment of this Brownfield site for residential purposes. The site lies within a long established residential area and only five additional units are proposed. The proposal would not have an adverse effect on the open space area to the north, controlled by the City Council, and with the use of appropriate conditions the health of the group of trees can be maintained. With regard to the proposed access and highway amendments it is felt that safe access can be made to the site both for pedestrians and for vehicle drivers. Similarly, the garage/parking provision of ten spaces is satisfactory.

There are no objections to be raised to the proposed house types. They are considered to add variety to the locality, and would not detract from the amenities of third parties to an unreasonable degree. Similarly the first floor unit above the garages is of a reasonable design and would not detract from the amenities of No 6 Martin Drive. The addition of the two windows to the side elevation of Unit 1 is considered to break up the previously blank elevation and create a more attractive and interesting appearance in the street scene. The insertion of the proposed windows would also result in overlooking over the adjacent open space creating natural surveillance.

B1 APPLICATIONS (cont'd)

1 Code No: DER/12/07/02305

Concern had previously been raised by Members in relation to the loss of the lock up garages however further information supplied shows that only 10 of the 25 garages are used by people within ¼ mile of the site and of these 10 occupiers, 4 have hard standings at their own property, and as such the net effect on the surrounding area would not be significantly affected by the loss of this parking facility. Further to this detail no objections are raised by the Estates Officer and Local Plan Policy T5 does allow for the loss of off- street parking facilities, provided that it has no road safety or traffic management implications. No highway objections have been raised on this aspect. In this case, an acceptable form of access can be provided and the provision of 10 spaces within the site is adequate. Therefore, as previously concluded, whether the garages are in use is a management issue and not a justification for refusal of planning permission.

Overall it is felt that now that the proposed amendments to the scheme have been submitted the amenities of local residents will not be unreasonably affected. Although a number of objections has been received as a result of the neighbour consultations it is felt that these issues have been sufficiently addressed. The proposal reasonably satisfies the requirements of local plan policies set out in the City of Derby Local Plan Review 2006 and as such a recommendation of conditional planning permission is recommended.

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 City of Derby Local Plan policies as summarised at 9 above, and is considered to be an acceptable form of residential development that would not detract from the appearance of the street scene, the health of the nearby mature trees, or the amenities of third parties.

11.3 Conditions

1. Details of all external materials shall be submitted to and be approved in writing by the Local Planning Authority before development is commenced.
2. Detailed plans showing the design, location and materials to be used on all boundary walls/fences/screen walls and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before development is commenced and the development shall be carried out in accordance with such detailed plans.

B1 APPLICATIONS (cont'd)

1 Code No: DER/12/07/02305

3. Before the development is brought into use those parts of the site to be hard surfaced or used by vehicles shall be properly laid out, drained and surfaced in a manner to be approved by the Local Planning Authority and such areas shall not thereafter be used for any other purpose.
4. The garages shall be used only for the storage of private motor vehicles and other purposes incidental to the enjoyment of the dwelling house and shall not be used for or in connection with any trade or business.
5. During the period of construction works all trees hedgerows and other vegetation to be retained shall be protected in accordance with BS:5837:1991 ("Trees in relation to construction"), and in accordance with the following requirements:
 - a. a scheme of protection shall be submitted to and agreed in writing before any development commences.
 - b. The date of the construction of such protection and of its completion shall be notified in writing to and agreed in writing by the Local Planning Authority before any other site works commence.
 - c. The agreed protection measures shall be retained in position at all times, with no use of or interference with the land contained within the protection zone, until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.
6. Prior to commencement further details of the Tree Protection and no dig path are to be submitted to and agreed in writing with the Local Planning Authority.
7. No development shall take place until details of foul and surface water drainage have 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.
8. The existing vehicular access to Audrey Drive shall be returned to footway specification in accordance with a scheme to be agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in entirety within 6 months of the development, hereby approved, being commenced.

B1 APPLICATIONS (cont'd)

1 Code No: DER/12/07/02305

9. The construction of the dwellings shall have full regard to the need to reduce energy consumption and a scheme shall be submitted and approved in writing by the Local Planning

Authority, to demonstrate what measures are proposed before the development is commenced. The approved scheme shall be implemented in its entirety before the approved dwelling is occupied.

11.4 Reasons

1. To ensure a satisfactory external appearance of the development in the interest of visual amenity...Policies GD4 and E23.
2. In the interests of visual amenity...Policies GD4 and E23.
3. In the interests of visual amenity...Policies GD4 and E23.
4. To preserve the amenities of adjacent residential properties ...Policy GD5.
5. To protect trees and other vegetation on and adjoining the site during the course of construction works in order to preserve the character and amenity of the area...Policy E9.
6. To protect trees and other vegetation on and adjoining the site during the course of construction works in order to preserve the character and amenity of the area...Policy E9.
7. To ensure the provision of satisfactory drainage arrangements.
8. To minimise danger for pedestrians and in the interests of traffic safety...Policy T4.
9. There are opportunities to incorporate renewable energy features in the development, such as solar panels and/or wind turbines and include water conservation measures, which will help to reduce energy consumption, reducing pollution and waste and in accordance with policy E10 of the adopted City of Derby Local Plan Review.

11.5 S106 requirements where appropriate: None.

Code – DER/12/07/02305



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B1 APPLICATIONS (cont'd)

2 Code No: DER/03/08/00422

Type: Means of
Access

1. **Address:** Land at 20 and 21 Hilltop, Oakwood, Derby
2. **Proposal:** Residential Development (2 dwelling houses)
3. **Description:** This application was previously reported to the Committee on 18 December, 2008 and deferred at Members request in order for a site visit to take place. Further information regarding the status of the trees and hedge on the site was also requested by Members.

The application is for residential development on land to the rear of 20 and 21 Hilltop, Oakwood. The application is for outline permission for two dwellings with associated parking, access and a turning area.

The site is situated to the rear of 20 & 21 Hilltop where two owners intend to combine their land to create a plot with an area of 0.073ha. An access road, with a width of 3.2m, is proposed between 20 & 21 Hilltop with a turning head of 10m x 9m. The access road would come off the highway at Hilltop. Hilltop is accessed from the A608. Hilltop currently serves 8 dwellings and on-street parking is already a significant problem in this area. It has also been noted that no footway is available along this cul-de-sac.

The application reserves all matters apart from access which is to be determined as part of this outline application and an indicative layout shows how two dwellings can be accommodated on the site.

4. **Relevant Planning History:** There have been no similar proposals approved in the near vicinity of this site.
5. **Implications of Proposal:**
 - 5.1 **Economic:** No comment.
 - 5.2 **Design and Community Safety:** In terms of the design it is felt that a limit of two dwellings should be conditioned at this stage therefore no community safety implications.
 - 5.3 **Highways:** Access, parking and manoeuvrability issues have been resolved throughout the process of the application and there are no highway objections to the scheme.
 - Hill Top is an adopted cul-de-sac providing pedestrian and vehicular access to 8 dwellings. This is a narrow shared surface road approximately 4.5m wide and turning area of approximately 12m² (small by modern standards)

B1 **APPLICATIONS** (cont'd)

Code No: DER/03/08/00422

- Proposed drive is 3.2m wide, this is acceptable but 4.1m would be preferred.
- Proposed turning area of 10m x 9m is adequate
- Junction of A608 and Hilltop has adequate visibility for permitted speed however speeds of vehicles appeared to be particularly high
- Some accidents have taken place along this road however none involved vehicles entering or leaving Hilltop
- Off street parking appears to be available however residents appear to park their vehicles in the turning head
- It would not be unreasonable to condition that no development should take place until it has been demonstrated and agreed that both the proposed and existing dwellings can provide two workable off street parking spaces per dwelling
- It would also be appropriate to consider some level of visitor parking provision for the new development on either a widened drive or extended turning area
- No highway objections provided conditions are added in relation to adequate parking space for both residents and visitors and of details of proposed private driveway where it meets Hilltop.

5.4 Disabled People's Access: No comments at this outline stage.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letter	15	Site Notice	Yes
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations:

11 Neighbouring objections have been received and have been made available in the Members' rooms, outlining the following points:

B1 APPLICATIONS (cont'd)

Code No: DER/03/08/00422

- Sets a precedent for “destroying” green spaces and encouraging future ‘backland’ development
- Concerns regarding future ‘backland’ development in the near locality of Mansfield Road and Hilltop
- Insufficient parking at 20 and 21 Hilltop
- Does not contribute to housing demands as there are a considerable amount of dwellings for sale/rent in the area
- Not a sustainable access road
- Potential damages to residents cars due to the ‘cramped’ parking
- Access to emergency services is limited
- Potential danger for pedestrians
- Concerns regarding the access road during the construction process
- Concerns regarding the turning head being used to park cars.
- However it has been noted that the resident living at No. 18 is registered disabled and couldn’t manage without a car and currently, with the agreement of neighbours, it is parked at the front of the houses at the top of the cul-de-sac in front of the fence of No. 19/21 this space will disappear if No’s 20/21 area to have the two off road parking slots recommended by the report
- Potential toxic emissions from the increase in cars
- Loss of security to gardens at properties to the rear of the site
- Potential fire hazards from building close to the hedge to the rear of the site
- Possibility of loss of light to surrounding properties (if development goes ahead)
- Significant affect on neighbouring houses or people in the locality
- Concerns regarding the storage and collection of waste from both existing dwellings and potential new dwellings
- Concerns regarding the trees/ hedges and wildlife on this site
- Concerns regarding potential flooding
- Good standards of privacy will not be possible
- Lack of lighting on Hilltop will become more of a danger
- Loss of symmetry In relation to the positioning of the site
- Concerns in relation to the applicants intentions (the applicant has put his house up for sale and intends to sell the land)
- 1 Petition has been received – 33 Names added.

In response to some of the comments made on highway aspects, the following is a response for the purposes of clarifying the position on highway grounds.

1. Reference is made to the lack of footways. Whilst this is not a modern purpose built shared surface road, shared surface roads are not an unusual form of development particularly serving small numbers of dwellings.

B1 APPLICATIONS (cont'd)

Code No: DER/03/08/00422

2. it is suggested that an accident on the A608 adjacent Hill Top has been omitted from my report. It is common practice and is suggested by ROSPA that historic accident data from between 3 to 5 years is used when considering any particular junction and/or length of road. Consequently, this is the search that was undertaken in this case. However, following this letter I have looked back at the full 18 year record of accident data, which reveals that there was a 'slight injury' accident in 2002 adjacent to this access, as this falls outside if the 3 to 5 year search it was not included.
3. I can confirm that Hilltop is an adopted road. The letter which is referred to would appear to be have been sent out by DCC inspectors in respect to damage to the highway caused by an oil spillage on the carriageway.
4. 4.1m is the recognised industry minimum for two average sized cars to pass each other.
5. The reference to the existing turning circle being small by modern standards refers to the size of a turning circle to serving the adopted highway. The 9mx9m area is the turning area for a private drive, which has specifically been requested at this location to try and ensure that the adopted turning circle does not get blocked by cars from the new development. The access road is narrow and the existing turn head is small and therefore construction vehicles are likely to find it difficult to access the site. It is likely they would have to back up the road as I am informed the refuse vehicle does at present.

A number of photographs have been passed to the officer on the Committee Site Visit showing neighbours concerns regarding potential flooding on the site and neighbours concerns regarding the existing access onto Hilltop. These photographs will be available in the members rooms and at the Committee

8. **Consultations:** None.

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

- GD4 - Design and Urban Environment
- GD5 - Amenity
- GD6 - Safeguarding Development Potential
- GD8 - Infrastructure
- E10 - Renewable Energy
- E23 - Design

B1 **APPLICATIONS** (cont'd)

Code No: DER/03/08/00422

- H13 - Residential Development
- T4 - Access, Parking and Servicing

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

10. **Officer Opinion:** In relation to residential amenity I feel that the proposed access and use of the land for development is acceptable.

The size of the plot has been shown to have a capacity for the provision of two dwellings. However, three would be excessive. At this outline stage residential amenity will not be unduly affected. Although residents have raised potential issues of massing and overshadowing I feel that these issues cannot be addressed at the outline stage of the application and would need to be considered as part of any reserved matters application. A number of residents also raised concerns in relation to the trees and hedges on the site however, after further consultation with the Council's Tree Preservation Order Officer it has been confirmed that there are no trees worthy of Preservation Orders as the trees on site have little public amenity value. Hedges cannot be considered as part of a Preservation Order and there is little to control their retention, although conditions can be imposed regarding landscaping and boundary treatments.

Although I have some concerns regarding setting a precedent for further similar development in the locality each application should be considered on its own merits.

In relation to impact on the highway significant concern has been raised in relation to parking both on the existing cul-de-sac and parking facilities to be provided on the development site. After extensive consultation with the applicant's agent, plan 08-066/P 04 has been submitted indicating that with the reduction from three dwellings to two sufficient access, parking and manoeuvrability can be achieved; these issues can be conditioned at this stage. It will be necessary to condition the application to restrict the development to two dwellings, although this plan does not show the exact siting and scale of the dwellings it does show that two dwellings can be achieved comfortably on the site. The siting and scale of the dwellings would be determined at a reserved matters stage.

Overall I feel that the proposal is acceptable and amenity will not be unreasonably affected. A number of concerns have been raised by neighbouring residents, the majority of these concerns relate to any reserved matters application. The proposal reasonably satisfies the requirements of local plan policies set out in the City of Derby Local

B1 APPLICATIONS (cont'd)

Code No: DER/03/08/00422

Plan Review 2006 and as such I must conclude that planning permission be granted.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

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

11.3 Conditions

1. Standard condition 01 (excluding means of access)
2. Standard condition 02 (reserved matters approval)
3. The development at the reserved matters stage must provide:
 - a. Details of a minimum of 2 parking spaces per proposed dwelling and for no's 20 and 21 Hill Top
 - b. Details of visitor parking for the proposed development
 - c. Precise details of the proposed private drive where it meets Hill Top.
4. The site shall be restricted to two dwellings only.

11.4 Reasons

1. Standard reason E01.
2. Standard reason E02.
3. To ensure that the existing access arrangements are not compromised by the development...policy T4.
4. In the interest of residential amenity both for occupants of the existing dwellings in the near locality and for the occupants of the proposed dwellings...policy GD5.

11.5 S106 requirements where appropriate: None.

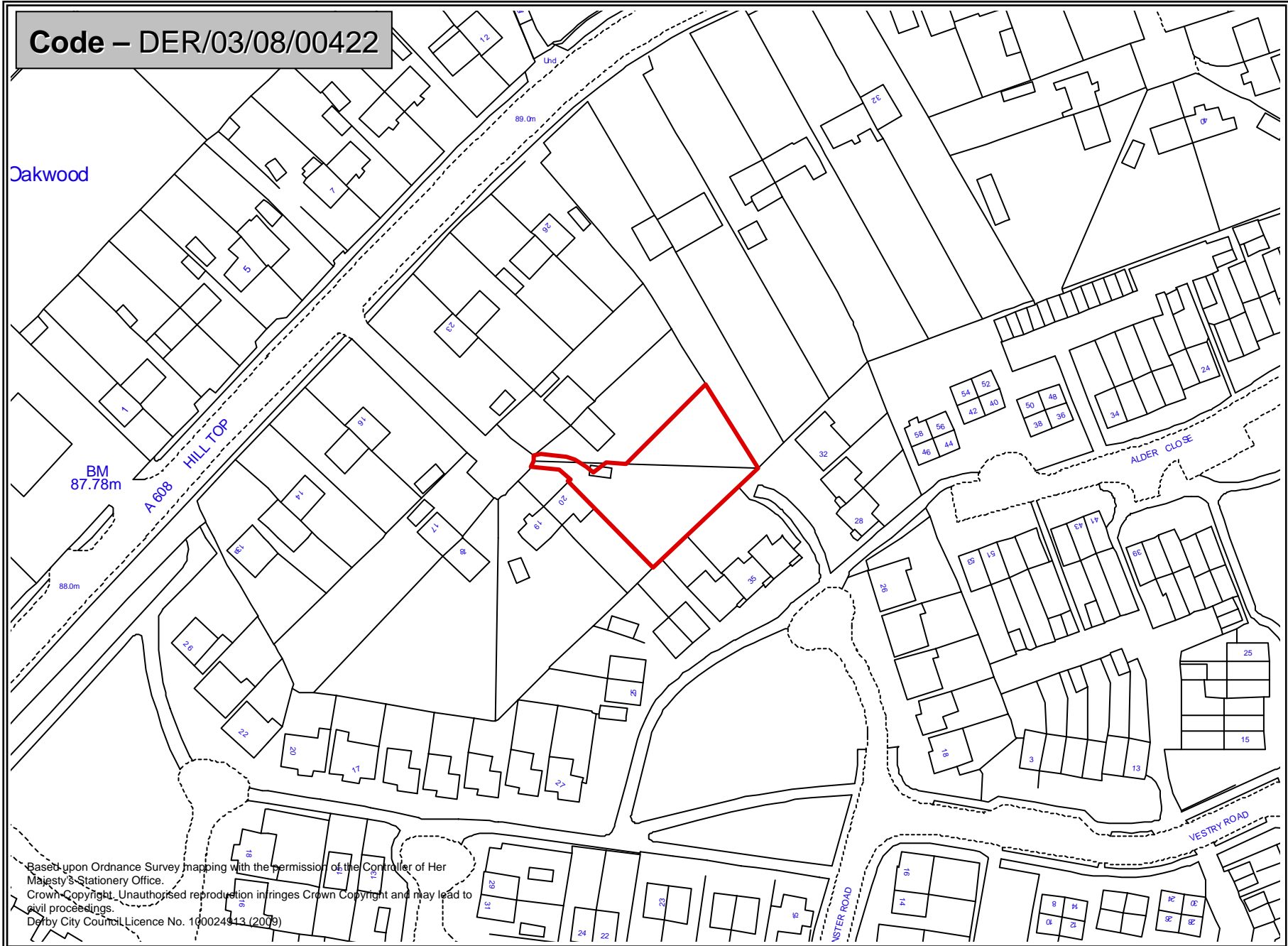
Code – DER/03/08/00422

Oakwood

BM
87.78m

A 608 HILL TOP

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B1 APPLICATIONS (cont'd)

3 Code No: DER/12/08/01713

Type: Full

1. **Address:** 7-11 St. Peters Street, Derby (Tesco Store)
2. **Proposal:** Display of Internally Illuminated Fascia Sign
3. **Description:** The signage is proposed to show each individual letter and underscore internally illuminated in red and blue in order to represent the Tesco Company corporate colours. The dimensions of the signage are to be as existing (1335mm X 3055mm X 125mm).

The signage is to be located to the front of the building projecting onto St. Peters Street and is to replace the existing non- illuminated signage previously granted permission (DER/10/08/01457).

The illuminated signage had previously been applied for on the currently approved application (DER/10/08/01457) however the applicant was encouraged to remove the illuminated aspect of the signage in order to improve the appearance in the street scene.

4. **Relevant Planning History:** Over the past 20 years a number of planning applications have been granted for internally and externally illuminated signage and non illuminated signage in this commercial street location.

5. Implications of Proposal:

5.1 Economic: -

- 5.2 **Design and Community Safety:** The design of the signage is in-keeping with the existing signs on St. Peters Street. Internally illuminated projecting signs are not normally considered appropriate for locally important buildings of architectural merit. A small illuminated sign was approved on the same building in 2001, but this is a very short section allocated to JJB Sports on the upper floors. In contrast, the overall impact of a very long internally illuminated fascia open to view from many angles due to its position in the street scene would be prominent.

5.3 Highways: No Highway Implications.

5.4 Disabled People's Access: -

5.5 Other Environmental: -

B1 APPLICATIONS (cont'd)

3 Code No: DER/ 12/08/01713

6. Publicity:

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

7. Representations: No representations received.

8. Consultations: Previously objected to this scheme and its illumination when it had been initially submitted as part of the original scheme (DER/10/08/01457). The application has not been referred again as it is assumed that a recommendation of refusal would be most likely forthcoming.

9. Summary of policies most relevant:

GD4 - Design and the Urban Environment
CC2 - City Centre Shopping Area
CC3 - Primary Frontages
E23 - Design
E26 - Advertisements

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

10. Officer Opinion: Although the applicant previously agreed to omit the illumination of the signage in order to gain consent and display signage to coincide with the opening of the premises, the applicant now wishes to pursue the illumination of the signs and has, accordingly, submitted the current application.

Although the illuminated signage had not been preferred by the Authority because of the local list quality of the building and had been recommended for refusal by CAAC it is not considered that it would be refusable in this precise location. St Peters Street is a main commercial shopping street in the City Centre and the majority of signage in this location is illuminated.

National policy advice in PPG 19 (Outdoor Advertisement Control) states that it is reasonable to expect more exacting standards of advertisement control in designated conservation areas. It also indicates that many conservation areas are thriving commercial areas

B1 APPLICATIONS (cont'd)

3 Code No: DER/ 12/08/01713

where the normal range of advertisements on commercial areas is to be expected subject to not detracting from visual amenity.

Although this building is Locally Listed the signage will not have a detrimental impact upon the Locally Listed elements of the building. It has also been taken into consideration that the amount of illumination is limited to the individual lettering and underscores, therefore, no objection is raised to this proposal.

The application states a luminance level of 250cd/m² which is satisfactory. A condition is recommended to ensure satisfactory levels of luminance.

Overall, I do not feel that the signage will have a detrimental impact on either the Locally Listed building or in the street scene. It is apparent that in the 1930's Marks and Spencer had signage on all three levels of the building; the proposed scheme will be less intrusive in the street scene or on the Locally Listed building.

11. Recommended decision and summary of reasons:

11.1 To grant advertisement consent with a condition.

11.2 Condition

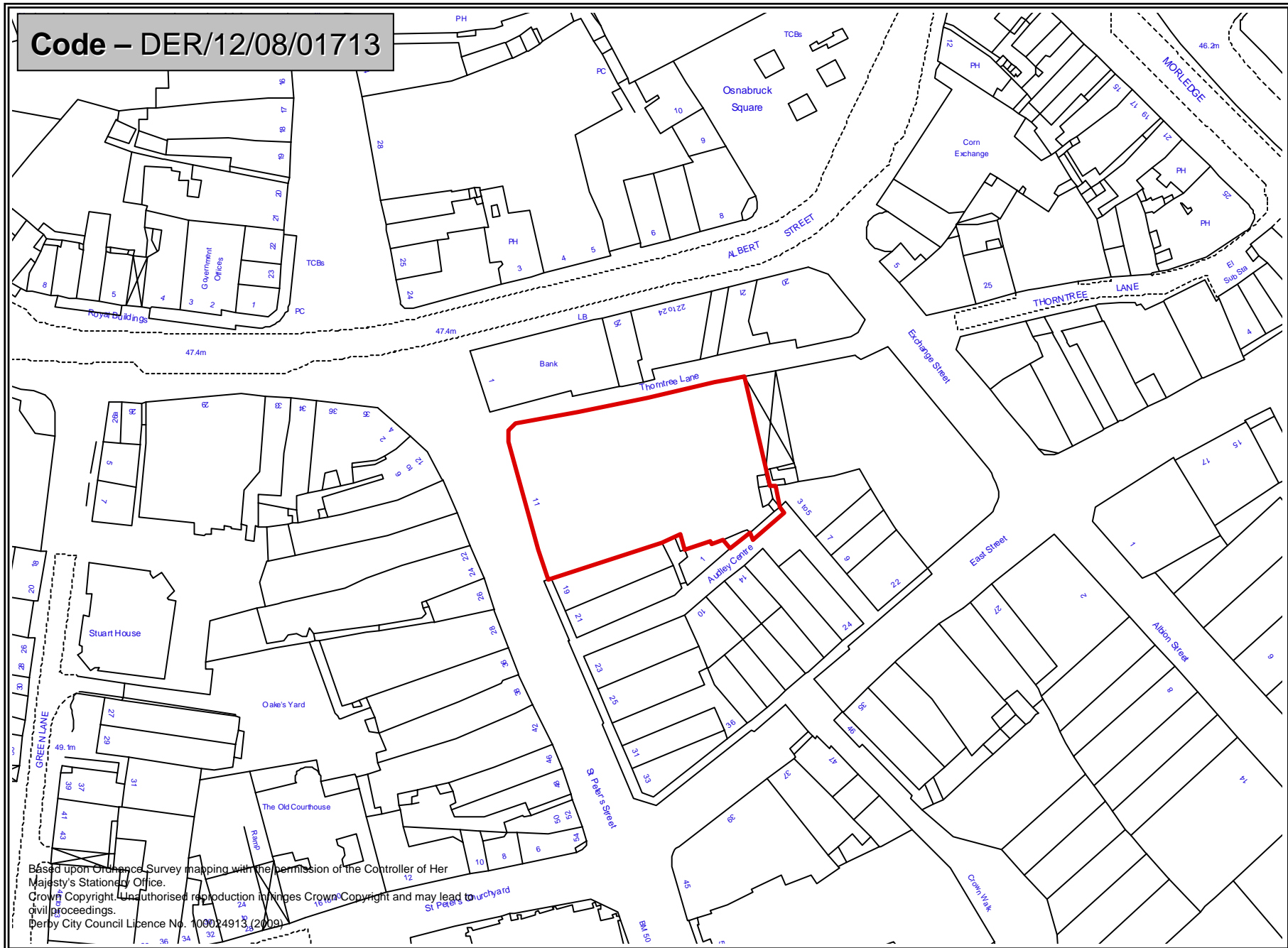
1. Standard condition 40 (1000CD/M²)(maximum luminance)

11.4 Reason

1. Standard reason E19...policy E26

11.5 S106 requirements where appropriate: None.

Code – DER/12/08/01713



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B1 APPLICATIONS (cont'd)

4 Code No: DER/09/08/01322

Type: Outline
(means of
access and
layout details
applied for)

1. **Address:** Land at rear of 48 and 50 Pastures Hill, Littleover
2. **Proposal:** Residential development (two dwellings)
3. **Description:** Outline planning permission is sought, with layout and means of access details also applied for, to develop this site which lies to the rear of nos. 48 and 50 Pastures Hill. Nos. 48 and 50 are detached residential properties located on the north-west side of Pastures Hill. The site is a combination of part of the rear gardens of these properties and is bounded by existing residential properties on Pastures Hill, Merion Grove and Greenway Drive. The properties on Merion Grove are sited on an appreciably lower ground level. The land falls from the site in that north-westerly direction through to the boundary with Mickleover Golf Club. A small part of the north-eastern site boundary, together with the side boundary of no. 48 abuts the site of the Scheduled Monument (Section of Rykniel Street Roman road and remains of Bronze Age cemetery at Littleover). The site also accommodates a line of trees on the north-eastern boundary abutting the boundaries with nos. 33 and 35 Greenway Drive. The trees are protected by a Tree Preservation Order. The site is currently laid as gardens serving both properties.

The site would be served by a vehicle access between both properties from Pastures Hill. This would be the single point of access to serve both proposed dwellings and no. 50. No. 48 would be served by its own access from Pastures Hill. The existing access serving no. 50 would be upgraded to provide the required driveway breadth for the first 10m into the site. Pedestrian priority would be maintained on the Pastures Hill frontage by retaining dropped and taper kerb access. The proposed access drive would be sited between nos. 48 and 50 and an existing lean-to garage at no. 48 would be demolished to accommodate it. The proposed drive would be 4.1m in breadth and it would provide a central point of access to the site. Within the site it is proposed to accommodate a 10 x 10m turning head to enable all vehicles to manoeuvre. The site is almost rectangular and the mean breadth of the site is, from my calculations, approximately 47m. The depth of the site is approximately 28m. The overall area of the site, including the access drive, is approximately 0.16 ha.

The layout details with the application indicate that the proposed dwellings which would have an L-shaped footprint that would mirror one another. The application has been amended slightly to move the

B1 APPLICATIONS (cont'd)

4 Code No: DER/09/08/01322

proposed dwelling on plot 2 into the site away from the protected trees on the north-eastern boundary. The layout has been designed to provide the proposed dwellings with rear garden depths of approximately 11.5m. It is logical to assume that the main habitable accommodation in the proposed dwellings would be principally front (south-east) and rear (north-west) facing with the front projection of each dwelling being allocated to a garage at ground level. The forward projections of both dwellings would be sited approximately 21m apart. That dimension is reasonable should habitable accommodation be proposed as part of any reserved matters submission. The submitted design and access statement indicates that both dwellings would accommodate 5 bedrooms.

4. Relevant Planning History:

DER/12/07/02324 – Erection of 8 dwellings – This application is still live and seeks permission for the erection of 8 dwellings on the whole site of nos. 48 and 50 together with part of the adjoining site accommodating the Scheduled Monument. The proposal includes the demolition of nos. 48 and 50 and the erection of 5 detached dwellings and access drive on the site. The proposal also includes a vehicle access into part of the site containing the Scheduled Monument to serve 3 detached dwellings. Little progress has been made on this application which has attracted an objection from English Heritage. Given the dearth of action from the applicants in this case, they have been requested to withdraw the application otherwise it will deemed to have been ‘finally disposed of’.

5. Implications of Proposal:

5.1 Economic: -

5.2 Design and Community Safety: The external design of both dwellings is reserved for later approval. In community safety terms the layout of the proposed dwellings would provide a well surveilled access drive with defensible space at the front of the dwellings. The dwellings would also be served by secure rear gardens and, in this case, I am satisfied with the proposal in community safety terms.

5.3 Highways: The layout of the proposal has been re-designed to address the comments of my colleagues in our Highways Team. The applicant also sought the comments from my Highways colleagues at the pre-application stage. The layout of the proposal is acceptable in highways terms.

B1 APPLICATIONS (cont'd)

4 Code No: DER/09/08/01322

5.4 Disabled People's Access: The Building Regulations will secure accessible dwellings.

5.5 Other Environmental: The layout has been re-designed to address the comments of my colleagues in our Natural Environment Team. The amended layout of the proposed dwelling on plot 2 accommodates a larger root protection area than the original submission and it is considered that the future 'liveability' issue associated with trees in proximity to residential development is greatly improved with the amended proposal.

6. Publicity:

Neighbour Notification letter	13	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** The application has attracted 8 objections from surrounding residents. Residents express strong concerns about the following issues:

- Access/safety issues from Pastures Hill and congestion associated with on-street parking at 'school run' times
- The layout and scale of any development relative to the surrounding properties, some of which are sited on lower ground levels
- Overlooking issues into neighbouring properties and the detrimental impact of the development on the privacy enjoyed by existing neighbours
- Drainage issues and problems associated with surface water drainage and the perceived detrimental impact of more development in this area
- The detrimental impact of any development on the protected trees on the boundary of the site together with the impact on wildlife that enjoys the site.

The application has attracted 1 letter of support which praises the use of urban land for further residential development.

Copies of these letters of objection will be made available in the Members Rooms.

Any further representations will be reported orally at the meeting.

B1 **APPLICATIONS** (cont'd)

4 **Code No:** DER/09/08/01322

8. **Consultations:**

Arboriculture – refer to part 5.5 of the report.

DC Archaeologist – states that...’from the 2003 trench results it would appear that the Roman road runs just to the south of the current proposal boundary. It is also worth noting that the Bronze Age cremations were located in the eastern part of the 2003 area, some 70m from the proposal boundary. It is perhaps unlikely, therefore, that the cremation cemetery extended as far west as the proposal area. Given these observations, it appears that the nationally-significant archaeology (Roman road and Bronze Age cemetery) in the Scheduled Area is unlikely to extend into the proposal area. It is, therefore, recommended that any outline permission includes a condition to secure a programme of archaeological work in accordance with a written scheme of investigation.

English Heritage – in conclusion it is recommended that should the Council be minded to grant planning permission, a programme of archaeological mitigation should be secured by condition.

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

- GD4 - Design and the urban environment
- GD5 - Amenity
- H13 - Residential development – general criteria
- E9 - Trees
- E10 - Renewable energy
- E17 - Landscaping schemes
- E21 - Archaeology
- E23 - Design
- T4 - Access, parking and servicing

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:** I raise no objections, in principle, to the use of the site for residential development which constitutes previously developed land as included in PPS3. Given the nature of this application the main issues surround the impact of the proposed layout and means of access details in relation to surrounding neighbours, the immediate highway network and other constraints which affect the site. I shall address these points in turn.

B1 APPLICATIONS (cont'd)

4 Code No: DER/09/08/01322

Access Issues

The proposed site would be served by a private drive between nos. 48 and 50 and it would also serve no. 48. The proposed dimensions of the driveway have been amended since the original submission and this is in line with the requirements of the Highways Officer. The proposed access onto Pastures Hill is acceptable given that there is adequate visibility available. The proposed dwellings would be served by an on-site turning area and this would permit vehicles to manoeuvre within the site. I am, therefore, satisfied that the proposed development would be served by suitable access arrangements.

Layout Issues

The proposed layout constitutes a form of backland residential development. Members are aware that, in a large number of cases, backland or tandem residential development proposals are unacceptable forms of development. In this case attention has to be paid to the proposed access arrangements, the nature of the existing residential context and the relationship of the proposed layout to neighbouring properties. The proposed access arrangements are acceptable and the proposed driveway would serve 3 individual properties. In this regard there is a clear difference between the proposal and a 'conventional' tandem proposal which would involve a single residential dwelling, served by its own individual access, sited behind an existing dwelling. In terms of the layout of the immediate area the surrounding dwellings are primarily detached dwellings, of varying footprints and styles, which are served by traditionally engineered street and cul-de-sac layouts. I would describe the immediate area as a low density suburban context and, in my opinion; the proposal seeks to address that character. Nos. 48 and 50 are both amongst the largest residential plots in the immediate area and it is the generous nature of their rear gardens that permits a proposal of this type. In terms of the layout of the individual plots I consider that the proposed dwellings are served by adequate rear gardens, given that they would be family sized properties, and the spacing of the dwellings from existing neighbours, including nos. 48 and 50, meet the former standards of the City Council. An issue that requires attention is the relationship of the proposed dwellings to their neighbours and the ground level differences that exist, particularly those neighbours at the rear, where the properties sit approximately 3m lower than the application site. The case officer has visited the site and has also had the opportunity to view the site from no. 6 Merion Grove, which is sited at the rear, to the north-west of the site, at a lower ground level. The natural screening between the site and that particular property is primarily deciduous and, therefore, there would be a degree of through

B1 APPLICATIONS (cont'd)

4 Code No: DER/09/08/01322

visibility. A proposed distance of approximately 20m exists between the dwelling on plot 1 and no. 6 Merion Grove. In my opinion that distance is tolerable between the facing elevations of residential dwellings in a residential context.

The density of the proposed development equates to approximately 12.5 dwellings per ha. In accordance with policy H13 this density is well below the objective of 35 dwellings per ha. Whilst it is arguable that there are no clear environmental reasons for accepting such low density development I consider that, in view of the relatively small site area, and its relationships to neighbours on Merion Grove, a larger number of dwellings on this site could sit very awkwardly with existing neighbours and the surrounding pattern of development.

I consider that there are no unduly adverse effects caused by this backland proposal and, in accordance with policy H13, it facilitates development on previously developed land, it would create family sized residential dwellings with clearly defensible space and, subject to conditions, I consider that issue of privacy can be readily addressed.

Archaeology

As part of the application process the DC Archaeologist and English Heritage has been consulted. Both consultees agree that the proposal is an acceptable form of development relative to the Scheduled Monument and English Heritage concurs with the advice and recommendation provided by the DC Archaeologist. A suitably worded condition is, therefore, recommended.

Surface Water Drainage

In accordance with the principles outlined in PPS25 the development should effectively accommodate sustainable surface water drainage solutions. This could include permeable ground surfaces and roof treatments and / or grey water harvesting systems. The standard condition is recommended to achieve this objective. The objectors have highlighted drainage problems in this area. Members are, however, aware that the proposed development should seek to address its own drainage requirements and this application is not the opportunity to address wider drainage problems that may exist in the area. Nonetheless, should Members be minded to grant outline permission, an advisory note could be included on the decision notice to focus the developer's attention on the drainage condition and the requirements of PPS25.

B1 APPLICATIONS (cont'd)

4 Code No: DER/09/08/01322

11. Recommended decision and summary of reasons:

11.1 To grant outline 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 and the proposal is an acceptable form of development in layout and access terms in this residential setting.

11.3 Conditions

1. Standard condition 01 (reserved matters) to be worded:
 - a. scale and appearance
 - b. landscaping
2. Standard condition 02 (approval of reserved matters)
3. Standard condition 19 (means of enclosure)
4. Standard condition 21 (landscaping within 12 months (condition 1b))
5. Standard condition 24A (vegetation – protection incl. overhanging)
6. Standard condition 30 (surfaces to be drained, surfaced etc)
7. Standard condition 38 (disposal of sewage – details)
8. Standard condition 46 (archaeological investigation). To include: This scheme shall include on-site work, and off-site work such as the analysis, publication and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.
9. Standard condition 51 (service runs and trees)
10. Standard condition 09A (revised plans received on 22 December 2008)
11. A Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall accord with BS:5837 and detail the on-site measures to protect the trees. The Tree Protection Plan shall be submitted to the Local Planning before any work is commenced on-site and the approved details shall be implemented.

11.4 Reasons

1. Standard reason E01
2. Standard reason E02
3. Standard reason E09...policies H13 and GD5

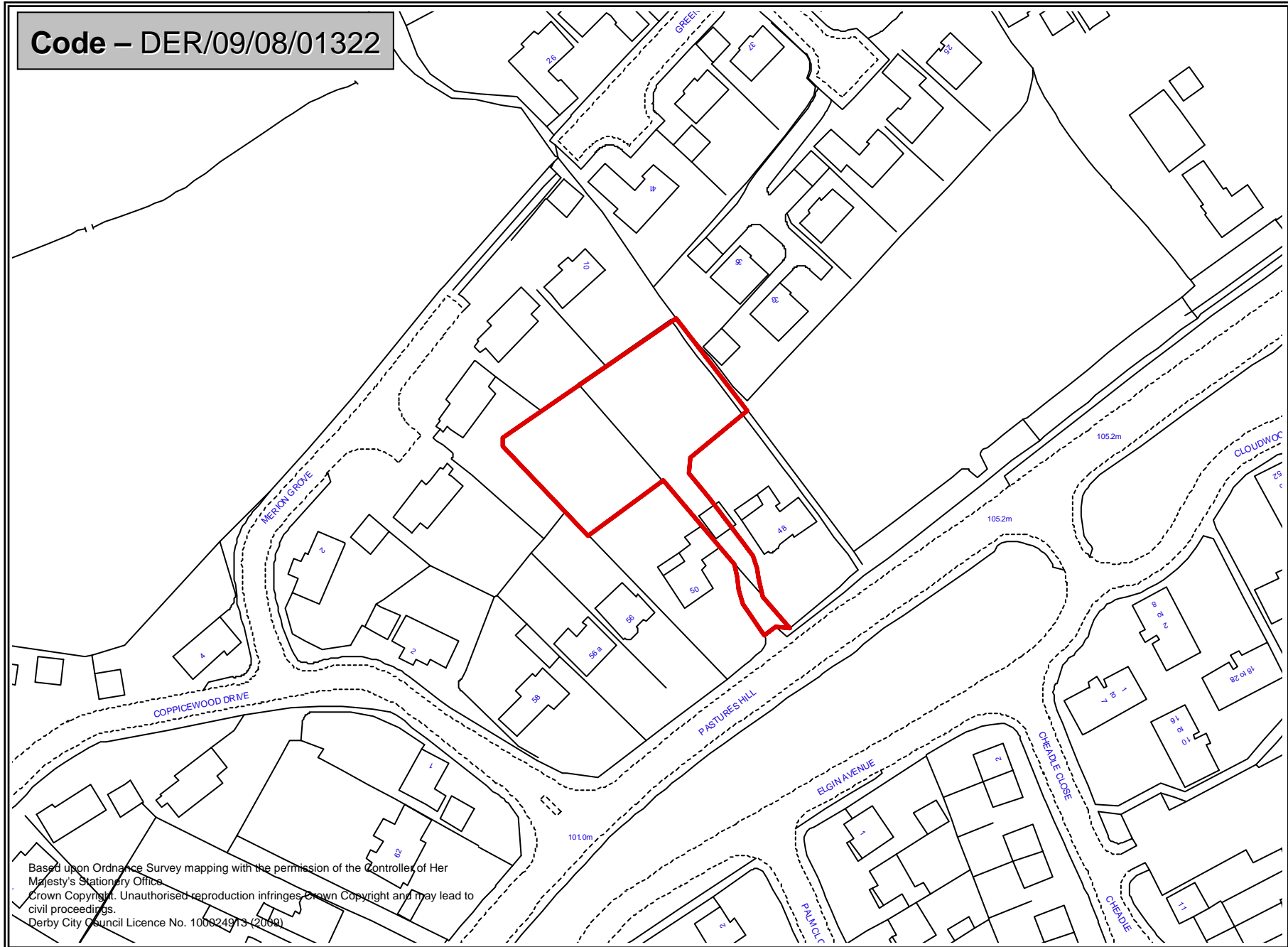
B1 APPLICATIONS (cont'd)

4 Code No: DER/09/08/01322

4. Standard reason E09...policies H13 and E17
5. Standard reason E32...policy E9
6. Standard reason E09...policies H13 and GD3
7. Standard reason E09/E21...policies H13 and GD3
8. To safeguard, preserve and record any archaeological remains
that exist on site...policy E21
9. Standard reason E29...policy E9
10. Standard reason E04
11. Standard reason E11...policy E9

11.5 S106 requirements where appropriate: None.

Code – DER/09/08/01322



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B1 APPLICATIONS (cont'd)

5 Code No: DER/09/08/01399

Type: Full

1. **Address:** Central Islamic Centre, Sacheveral Street
2. **Proposal:** Extension to mosque (staircase toilets, access for disabled people, lift, education and training centre, minaret and second floor Ladies' prayer room)
3. **Description:** This full application relates to extensions to the Islamic Centre, which is located between Sacheveral Street and Wilmot Street, immediately north east of the route of the Inner Ring Road, beyond which is the Spot Club. On the other, west side, are the apartments at Highgates. Beyond both roads, the land is currently in use as car parks, pending the construction of Connecting Derby (Inner ring Road).

The proposal comprises an additional 326 sq m floorspace largely within the existing footprint in the form of:

- A first floor extension above the mortuary and committee room to provide an education and training centre with office and toilet facilities
- A 2 storey extension to provide staircase access. The existing building at this point is single storey and flat roofed; the extension would provide a second storey with a flat roof obscured by a brick parapet
- A second floor extension to provide a Ladies Room facility with a three storey extension for a disabled lift giving access to all floor levels of the building. The hip roof on this existing two storey section of the building is replaced and the existing detailed façade is rebuilt at the higher level. The three storey lift shaft extension would have a flat roof
- Adjoining the main entrance from Sacheveral Street a Minaret is proposed as a symbolic completion of a traditional Islamic Mosque. It contains a staircase leading to the second floor and doubles as a fire escape. It is also in brickwork to match the existing with roof to the Minaret in GRP to match that on the existing dome.

To accommodate the extensions, the existing car park is modified with the number of car spaces reduced by 8 to 18 which includes two disabled spaces.

B1 APPLICATIONS (cont'd)

5 Code No: DER/09/08/01399

4. **Relevant Planning History:** Following the establishment of the Derby Islamic Centre in 1975, the first phase of the mosque was completed in 1981. In 1994, a first floor hall with large dome was completed. A second phase of extension and alteration to the ground floor commenced in 1997.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The application indicates that the Derby Islamic Centre is a unique example of Islamic Architectural and Cultural Presence in Derby. It takes its shape from the famous Dome of Rock Mosque in Jerusalem and is the first mosque in Europe to be built in an octagonal shape.

The increase in height of the main building gives it more imposing proportions and the Minaret will give a greater presence to the Mosque especially given its location adjoining the Connecting Derby Route.

Submitted with the application are skyline views to indicate the height of the building in its context. The height of the Minaret is 19.5m which is 4.5m higher than the existing dome. The nearest tall buildings are the tower to the Serbian Orthodox Church, Westfield and Wilderslowe Tower (Nurses Home).

5.3 **Highways:** No Objections. The extensions are not physically affected by the Connecting Derby proposals. The reduction in car spaces is not significant as the Wilmot Street public car park will still be available for use after construction of the new highway scheme.

5.4 **Disabled People's Access:** The access arrangements appear satisfactory and are controllable under the Building Regulations.

5.5 **Other Environmental:** I am advised there will be no noisy activities at the extended premises.

6. **Publicity:**

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

B1 APPLICATIONS (cont'd)

5 Code No: DER/09/08/01399

7. Representations: No representations received.

8. Consultations:

Cor. & Adult Services (Estates) - No estates issues.

Env. Services (Health) - No comments received.

9. Summary of policies most relevant:

GD1 - Social Inclusion
GD4 - Design and the Urban Environment
GD5 - Amenity
CC1 - City Centre Strategy
E10 - Renewable Energy
E23 - Design
L11 - New Community Facilities
T4 - Access, Parking and Servicing
T10 - Access for Disabled People

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

10. Officer Opinion: In land use policy terms, the site is not allocated for any particular use. Policy L11 allows for extended community facilities, including places of worship, provided that the proposal is well related to the population intended to be served, takes proper account in design terms of the character of the location, and allows for adequate access and service facilities.

There is no objection in principle to the extension of this existing community facility. The city centre location is sustainable and it continues and improves on the design character of the existing building.

The proposed Minaret constitutes a tall building but its slender width and location in this part of the City Centre will result in a building which adds to the skyline, rather than detracting from it.

The reduction in car parking spaces is acceptable in this location.

In conclusion, this is a proposal which improves an existing community facility for its users, and provides an interesting design in a prominent location adjacent to the route of the new highway proposed as part of the Connecting Derby scheme.

B1 APPLICATIONS (cont'd)

5 Code No: DER/09/08/01399

11. Recommended decision and summary of reasons:

11.1 To grant permission with conditions.

11.3 Summary of reasons: The proposal has been considered against the City of Derby Local Plan policies as summarised at 9 above, and is considered to be an acceptable form of development that would contribute to the visual character of the area and provide an improved community facility.

11.4 Conditions

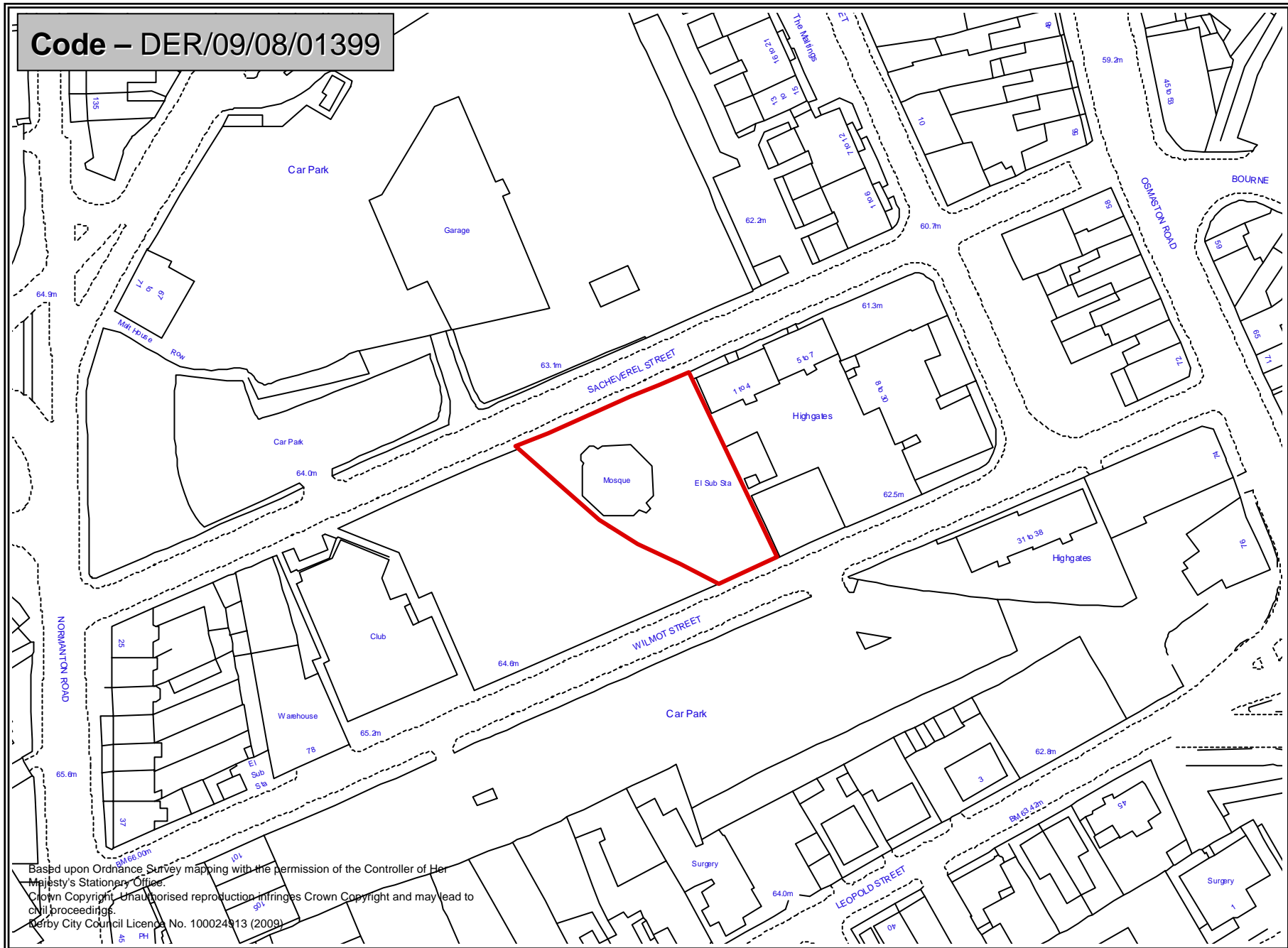
1. Standard condition 27 (external materials)
2. Standard condition 70 (cycle parking)
3. The development shall have full regard to the need to reduce energy consumption and a scheme shall be submitted and approved in writing by the Local Planning Authority, to demonstrate what measures are proposed before the development is commenced. The approved scheme shall be implemented in its entirety before the approved dwelling is occupied.

11.4 Reasons

1. To ensure a satisfactory external appearance of the development in the interest of visual amenity....Policies GD4 and E23
2. In interests of facilitating varied forms of transport. Policy T4.
3. There are opportunities to incorporate renewable energy features in the development, such as solar panels and/or wind turbines and include water conservation measures, which will help to reduce energy consumption, reducing pollution and waste and in accordance with policy E10 of the adopted City of Derby Local Plan Review.

11.5 S106 requirements where appropriate: None.

Code – DER/09/08/01399



B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01696

Type: Full

1. **Address:** Chellaston School, Swarkestone Road, Chellaston, Derby
2. **Proposal:** Extensions to School (changing rooms) and creation of all weather sports pitch and floodlighting.
3. **Description:** The application site is located within Chellaston School, Swarkestone Road, which is an established school site. The school occupies a site to the west of Swarkestone Road and is bounded by residential properties. The application site has been used to provide sports pitches for the school for a considerable period of time; the present layout was agreed under planning application DER/09/77/01223.

The existing school facilities consist of grass pitches and changing facilities that require modernisation. The existing displaced pitches will be re-sited within the curtilage of the school.

The site is located approximately 400 metres from the district centre of Chellaston and approximately 40 metres from the nearest residential boundary, which front Swarkestone Road. The application site is irregular in shape and land levels are relatively constant.

Permission is sought for the creation of an all weather sports pitch, floodlighting and extensions to the school in the form of changing rooms. The floodlighting consists of the installation of 8 lighting columns measuring 12 metres in height. The columns are to be located on the South East and North West sides of the pitch at regular intervals.

The all weather pitch is to be located on the site of an existing series of playing pitches, which would be relocated following the development of this proposal. The proposed pitch is to be located to the South West of the existing school buildings and measures approximately 104 metres x 70 metres (external measurements) and is bounded by fencing for both security and ball retention measuring approximately 3.0 metres on both sides and 4.5 metres at both ends, with rebound panelling measuring approximately 1.2 metres from ground level being erected around the perimeter of the pitch.

The proposed extension to the changing rooms and pavilion is to be located on its south elevation. The extension will accommodate four changing rooms with separate shower facilities, stores, officials changing facilities and club room space. The proposed single storey extension measures approximately 4 metres at the highest point and approximately 3.6 metres at the lowest point.

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01696

The submitted Design and Access Statement, Noise Assessment, Arboricultural Survey, Protected Species Survey, and Transport Assessment set out in further detail the mitigation measures to be undertaken and the objectives of the School.

The siting of the all weather pitch is to be located on an existing grassed pitch; the use of the existing pitches could intensify without the need for a formal planning application therefore, in my opinion, this report and members should be considering the introduction of flood lighting, the all weather pitch and extension to the changing rooms.

- 4. Relevant Planning History:** DER/09/08/01350 Application Withdrawn – Extensions to existing school (changing rooms) and creation of all weather sports pitch and floodlighting.

DER/09/77/01223 laying out of playing fields, tennis courts & erection of fencing - granted planning permission.

5. Implications of Proposal:

5.1 Economic: None.

- 5.2 Design and Community Safety:** I am sympathetic to the application as these amenities would provide additional community facilities. In community safety terms the extension is well designed for its use with high level fenestration and minimal recesses. Issues with noise and light are common with this type of facility. The bunds do reduce some of the natural surveillance protection but on balance I cannot object to this proposal with a 2m secure boundary and well designed extension and single point of access. I feel that the hours of operation should be reduced to no later than 2100 hours to reduce the potential for noise nuisance and anti social behaviour.

- 5.3 Highways:** There are no objections to this application on highway grounds and my colleague will be at the meeting to clarify any issues.

- 5.4 Disabled People's Access:** an accessible route from the sports pitch to the changing rooms will be required. The accessibility of the changing rooms will be controllable by Building Regulation guidance.

- 5.5 Other Environmental:** The issues of noise and flood lighting will be principally addressed at the meeting as colleagues are currently considering these sensitive issues.

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01696

6. Publicity:

Neighbour Notification letter	168	Site Notice	Yes
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** At the time of drafting the report, 274 Letters of representation have been received 116 of which have been submitted in support of the application and 153 letters of objection. A summary of the letters of support and objection is provided below:

Support

- Will provide opportunities for children, young people, pupils, the local community and sports clubs
- Good use of the land
- Increase the provision of sporting facilities in the Chellaston area in a safe environment
- A good facility for the school especially in wet weather conditions
- Encourage fitness and good health in the wider community
- Will deter people from socialising on the streets
- Increase partnership working between the school, local community and sports clubs
- Helps to develop skills for pupils and the local community
- There is a need for this type of facility in this locality
- The changing facilities are needed and will be of benefit to the school and all users.

Objections

- Will result in noise and disturbance to residential properties
- Proposal is in close proximity to residential properties and will result in a loss of their outlook
- The hours of operation are too late and will impact on the amenity of adjacent residential properties
- Issues relating to the consultation process carried out by the Local Planning Authority
- Use of floodlighting will impact on adjacent properties
- It is alleged that the process used by the school to gain support is underhand and immoral
- Use of alcohol and music at the proposed Clubhouse

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01696

- There are number of underused sports facilities within Chellaston on the Park
- The proposal would be used as a business rather than a school facility
- Concerns raised with regards to the facility being used by the general public as the school is not a business
- Concerns raised with regards to the proposed opening hours and it being used 7 days a week
- Foul and abusive language being heard from those using the pitch facility
- The increase of anti-social behaviour created by those using the pitch and venturing into the village centre
- Inaccuracies set out within the submitted Noise Impact Assessment and the Ecological Report. Have requested that an independent series of surveys be provided
- Limited consideration of the wider context in the supporting reports; no report considers spectators, impacts on local residents or how the use of flood lights will impact on wildlife
- Lack of car parking facilities for the school at present and this will worsen if the facility is granted
- The siting of the pitch and proposed clubhouse is unacceptable due to its close proximity to residential properties
- Increase in traffic to the site
- Loss of trees and impact on the Nature Area
- Impact on wildlife including protected species
- The pitch could be located further away from the existing residential properties on Swarkestone Road and closer to the school to minimise its impact
- Potential impact on peoples health due to loss of sleep, affected sleep patterns and a decrease in their quality of life
- Loss of privacy
- Consideration of a similar proposal at Pingle Hill School, Swadlincote.

Copies of these letters will be made available in the Council Chamber Foyer.

8. Consultations:

Derby County Council Archaeologist –The field contains earthwork ridge and furrows listed in the Derbyshire Historic Environment Record (HER 32046). Ridge and furrow is the remains of medieval strip cultivation, and is an increasingly endangered historic resource. The ridge and furrow within the field in question would be levelled to create the proposed sports pitch. There is a clear requirement under the

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01696

provisions of PPG16 for a programme of archaeological work to mitigate these potential impacts on the archaeological resource. This should be in the form of a topographical survey of the ridge and furrows within the field; this should be carried out before the commencement of development. A condition is suggested and reproduced at condition 6 below.

Derbyshire Wildlife Trust – It is understood from the findings of the ecological survey that no evidence of bats was identified within the building, however the building does have potential to support bat roosts, where verge mortar is missing and where there are hanging tiles. Further survey work is recommended within the report. Further investigation of bat activity is required, this is due to the installation of floodlighting and its potential for impacting on bat emergence times, feeding and foraging areas. In addition further survey work for badgers should be undertaken, prior to development in the area.

The proposed replacement pitch will result in the loss of 'wild area' including scrub, rough grassland, hedgerows and mature trees. The submitted report does not include a full species list of the vascular plants which are to be lost, therefore a more detailed survey is required of the area to be lost to fully assess the impact of the development and to inform mitigation measures.

The Trust supports the recommendation of the Ecological Report that any vegetation is removed outside of the bird breeding season. If this is not possible any vegetation should be surveyed for nesting birds by a suitable experienced ecologist. Should an active nest be found, the nest should be left undisturbed until all young have fledged.

Children and Young People's Department – Fully supports the bid made by Chellaston School to the Football Foundation for the artificial turf pitch. Derby has a strategic plan for the development of football facilities; the plan is supported by Derbyshire Sport's County Facilities Plan which states that a Football ATP serving the south of the City and County would be best placed at Chellaston School. Chellaston School serves young people and families from Chellaston and south Derbyshire villages such as Melbourne, Barrow, Aston and Western on Trent. The school has worked hard to ensure that young people from these communities have access to an exciting and engaging physical education curriculum. The school has also made strong links with a number of sports clubs. Derby has evidence to show that a huge proportion of young people are not meeting the Chief Medical Officer's recommendation for one hour of moderate intensity physical activity per day; low levels of physical activity are linked to obesity, cardiovascular

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01696

disease and poor mental health. Chellaston School is addressing this issue in the following ways:

- Diversifying the PE curriculum to ensure that it meets the learning needs of all young people and so that they all enjoy their lessons
- Providing a wide range of extra curricular sports and physical activities that meets the needs and interests of all their young people
- Providing high quality PE and sports facilities to make PE and sport enjoyable and exciting
- Providing Leadership and coaching courses for young people and adults in the community so that the activities become sustainable
- Building strong links with sports clubs in the community, such as Melbourne Rugby Club, to enable the young people to continue their sport activity out of school hours
- Letters of additional support have been attached to these comments.

Sport England - Would only object to an application if they consider the application to result in the loss of playing fields. The proposal comprises extensions to the changing rooms and a new floodlit all weather sports pitch. The plans show that a new area of playing fields is to be added to ensure that no pitches are lost. This requires the felling of a number of trees so it will be important to ensure that the ground conditions are satisfactory once the trees have been removed. An appropriate condition is therefore recommended. The facility is welcomed and Sport England is satisfied that exception E5 has been met. However Sport England would express concern that the value of the facilities to the whole community is reduced by the shorter evening opening hours.

Arboricultural - There is no arboricultural objection as the trees marked for removal are in relatively poor condition.

Environmental Health – Comments at the meeting will be provided in respect of impact on residential amenity, light and noise pollution and opening hours.

9. Summary of policies most relevant: Adopted CDLPR:

- GD1 - Social Inclusion
- GD4 - Design and the Urban Environment
- GD5 - Amenity
- E5 - Biodiversity
- E7 - Protection of Habitats

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01696

- E9 - Trees
- E10 - Renewable Energy
- E17 - Landscaping Schemes
- E23 - Design
- E24 - Community Safety
- L6 - Sports Pitches and Playing Fields
- LE1 - Education Uses
- T4 - Access, Parking and Servicing
- T10 - Access for Disabled People

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

10. **Officer Opinion:** Policy L6 of the adopted CDLPR states that planning permission will not be granted for development which involves the loss of land currently used for sports or recreational purposes, including playing fields associated with educational establishments unless one or more of the three specific criterion are met. These include that the facilities now provided can be fully retained or enhanced through the development of only a small part of the site; or the alternative provision of another site of the same or better facilities in terms of community benefit is implemented before the commencement of development; or it is demonstrated to the satisfaction of the City Council that the site is not required to be retained for sports or recreational purposes and there is an excess of suitable sports pitch and open space provision in the area. I am of the opinion that the proposed development adheres to this specific planning policy.

The proposed extension to the changing rooms is to be located on an area that is not considered and does not appear to be in an area that would form a playing pitch. The proposed extension is an extension to an existing school building and therefore complies with the constraints of policy LE1 of the adopted CDLPR. This particular element of the proposal will be subject to the particular conditions regarding reduced energy consumption and use.

The proposed all weather pitch would be sited on an existing pitch which will be displaced and relocated elsewhere within the curtilage of the school. This has taken into account the greater functionality of the all weather pitch, this would be in accordance with L6.

A landscaping and management scheme to mitigate the loss of land within the application area in accordance with policy E17 must be considered. Loss of trees, impact on vegetation and impact on wildlife will be considered later in this section of the report.

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01696

Highways and Parking

Following the withdrawal of the previous planning application DER/09/08/01350 and a request being made by my colleague in our Highways Team, additional information has been submitted in support of this current planning application. This additional information consists of vehicle movement details, vehicle numbers and details of the current arrangements and whether these will be altered or remain the same following the development of this proposal. Consideration of the additional information, Transport Statement and the Personal Injury Accident Information for the locality of the access into the school indicates that there will be no significant highway implications.

The access and parking facilities are existing features of an established school and consists of an access from Swarkestone Road and parking for 126 cars with 4 designated disabled car parking spaces, with additional parking available within the driveway. The parking facilities are considered to be acceptable to the Highways officer. The number of car parking spaces provided is considered to be acceptable and is in accordance with the adopted CDLPR. Concerns have been raised by local residents with regards to parking congestion and lack of parking provision. However, I consider it unreasonable to require additional parking when Local Plan policy does not require it.

Cycle hoops and cycle storage is already provided in close proximity to the car parking on the site, therefore I consider it unreasonable to request additional motor cycle and cycle hoops.

Furthermore, the school is considered to be well served in terms of public transport and pedestrian access, as detailed in the Transport Statement. In my opinion, which is shared by that of my colleague in our Highways Team, the proposal will have no significant impact on the highway.

Amenity, Design and Street Scene

I am of the opinion that the proposal will not have a detrimental impact on the setting of the school nor existing residential properties in terms of design, amenity and impact on the street-scene of Swarkestone Road, due to the siting and orientation of the proposal.

The proposed extension is not considered to have a detrimental impact on the neighbouring properties due to its single storey design and siting. It is considered that the proposal will not result in an incongruous feature when considering the visual amenity and setting of the school and locality due to its siting close to the existing school buildings. The proposed materials and design are considered to lessen the extensions' impact as they are similar to those used in the construction of the existing pavilion. The installation of

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01696

windows along with the rendering and brickwork on all elevations will reduce the bulk of the building by breaking up the external elevations into areas of different texture and appearance.

The all weather pitch is considered to be acceptable in terms of design, amenity and impact on the street-scene. The size of the all weather pitch is also considered to be acceptable and measures approximately 104 metres x 70 metres (external measurements). The proposed boundary fencing is considered to be characteristic of a school setting; furthermore the height of the fencing is considered to be acceptable and will be partially screened from some vantage points by the extension to the changing rooms. Its mesh design will give a transparent appearance and potentially reduce the bulky appearance of this solid boundary.

Issues relating to trees, wildlife and the installation of floodlighting will be discussed later in the report however I raise no objection to the impact on the amenity of the school setting and neighbouring residents when considering the wider context. I do not believe that the proposal will have a detrimental impact on the locality of neighbouring land uses provided carefully controlled conditions are adhered to.

Floodlighting

The application site is located to the south west of the school site and is located within close proximity to a large residential area. The three main impacts of floodlighting need to be addressed against the setting of residential properties. The application proposes the installation of 8 x 12 metre lighting columns around the perimeter of the all weather pitch.

The three main impacts of floodlighting are as follows:

- Visual intrusion from the columns during daytime
- Visual intrusion from lighting whilst in use
- Noise and other disturbance during the evenings they are in use.

Daytime visual intrusion from the columns is inescapable and will be in the view of nearby residential properties. However given that this is an existing school site future development within its curtilage must be expected and in my opinion should not stunt the development of an all weather sports pitch. The height of the proposed columns is not excessive and has been reduced by 3 metres from the previous planning application. Furthermore I do not consider that the degree of intrusion for the houses on Swarkestone Road is significant enough to warrant a recommendation for refusal of this application. The distance between the nearest floodlight and the nearest dwelling is some 75 metres.

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01696

Intrusion from the floodlighting is inevitable in that the sports pitch will have a glow over it. However the design of the lighting columns is such to shield the surrounding area and decrease light spillage beyond the confines of the playing surface. The lighting proposed in this application, Challenger 1 AL5760, benefits from less glare given off into the surrounding locality and the use of 'flat glass' means that there is no direct upward light that would illuminate the sky. Therefore the light provided will be directed towards the pitch with reduced spillage.

A certain level of disturbance created by the functioning of the floodlights, all weather sports pitch and extension to the changing rooms is inevitable. However, this can be kept to a minimum by restricting the hours of use of the facilities and monitoring the impact of the proposal. Initial comments from our Environmental Health Team, that relate to the previous application (DER/09/08/01350), suggest that the hours of operation should be restricted to those of normal construction times - from Monday to Friday 0730 to 1830 and 0730 to 1300 hours on a Saturday with no uses on Sundays and Bank Holiday Mondays. However, given that the school and the use of this area are established these restrictive hours would be unreasonable to both the school and future users of the pitch. It is important to reiterate that the intensification in use of the playing fields could occur at any given moment without the need for planning permission. It is my opinion that to restrict the hours of use to those similar of construction times of operation is unacceptable. I have, however, taken these factors into account in arriving at, what I consider to be, more reasonable hours of operation in condition 1 below.

The formal comments from our Environmental Health Team will be provided orally at the meeting. In relation to noise and other disturbance, the installation of floodlighting at the site will transfer some daytime activity into the evening.

Trees and Protected Species

Objections have been received from neighbouring residents with regards to the impact of the proposal on wildlife and trees within the locality of the application site. The loss of trees will be mitigated by a tree planting and landscaping condition, which is welcomed by the Arboricultural officer. The trees highlighted for removal are in a relatively poor condition; their removal is not objected to by our arboricultural officer. An advisory note could be attached to ensure that any vegetation to be removed is done so outside of the nesting season.

Due to the site being bounded to the south west by trees an Arboricultural Method Statement should be requested to ensure that the remaining and existing trees are protected during the construction of the pitch.

Summary

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01696

The creation of the all weather pitch, floodlights and extension to the changing rooms, in my opinion, is acceptable and adheres to the relevant planning policies as set out in the adopted CDLPR. The proposal will be restricted by conditions to ensure the development is satisfactory in terms of impact on neighbouring properties and the character of the surrounding area.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission conditionally.

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 material planning considerations and is considered acceptable in terms of design, amenity and policy terms.

11.3 Conditions

1. The hereby approved floodlights, that form part of this permission shall not be used outside of the following hours:

Monday to Friday	0800 - 2100
Saturday, Sunday and Bank Holidays	0800 - 1800

2. Standard Condition 27 (details of external materials)
3. No development shall be commenced until a landscaping scheme indicating the types and position of trees and shrubs and treatment of paved and other areas has been submitted to and approved in writing by the Local Planning Authority.
4. The landscaping scheme submitted pursuant to Condition 3 above shall be carried out within 12 months of the completion of the development or the first planting season whichever is the sooner and any trees or plants which, within a period of five years from the date of such landscaping works, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. No vehicles shall be driven or parked on landscaping areas except for those vehicles necessary for the maintenance of those areas, unless otherwise agreed in writing by the Local Planning Authority.
5. During the period of construction works all trees, hedgerows and other vegetation to be retained shall be protected in accordance

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01696

with BS:5837:2005 ("Trees in relation to construction"). Details of such protection will be submitted and approved by the Local Planning Authority prior to its erection. The protection shall be provided before other site works commence and shall be retained in position at all times until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.

6. No development shall take place within the site until the developer has secured the implementation of a programme of archaeological work in accordance with the written scheme of investigation (WSI) submitted by the developer and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.
7. Prior to the commencement of the development/use hereby permitted:
 - i. A detailed assessment of ground conditions of the land proposed for the sports facility shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - ii. Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The approved scheme shall be complied with in full prior to commencement of the development.

8. The design, layout, and materials of the proposed extension shall have full regard to the need to reduce energy consumption.

11.4 Reasons

1. To ensure that the visual impact of the lighting and the impact from any noise associated with use of the sports pitch does not adversely affect the amenities of nearby residents, in accordance

B1 APPLICATIONS (cont'd)

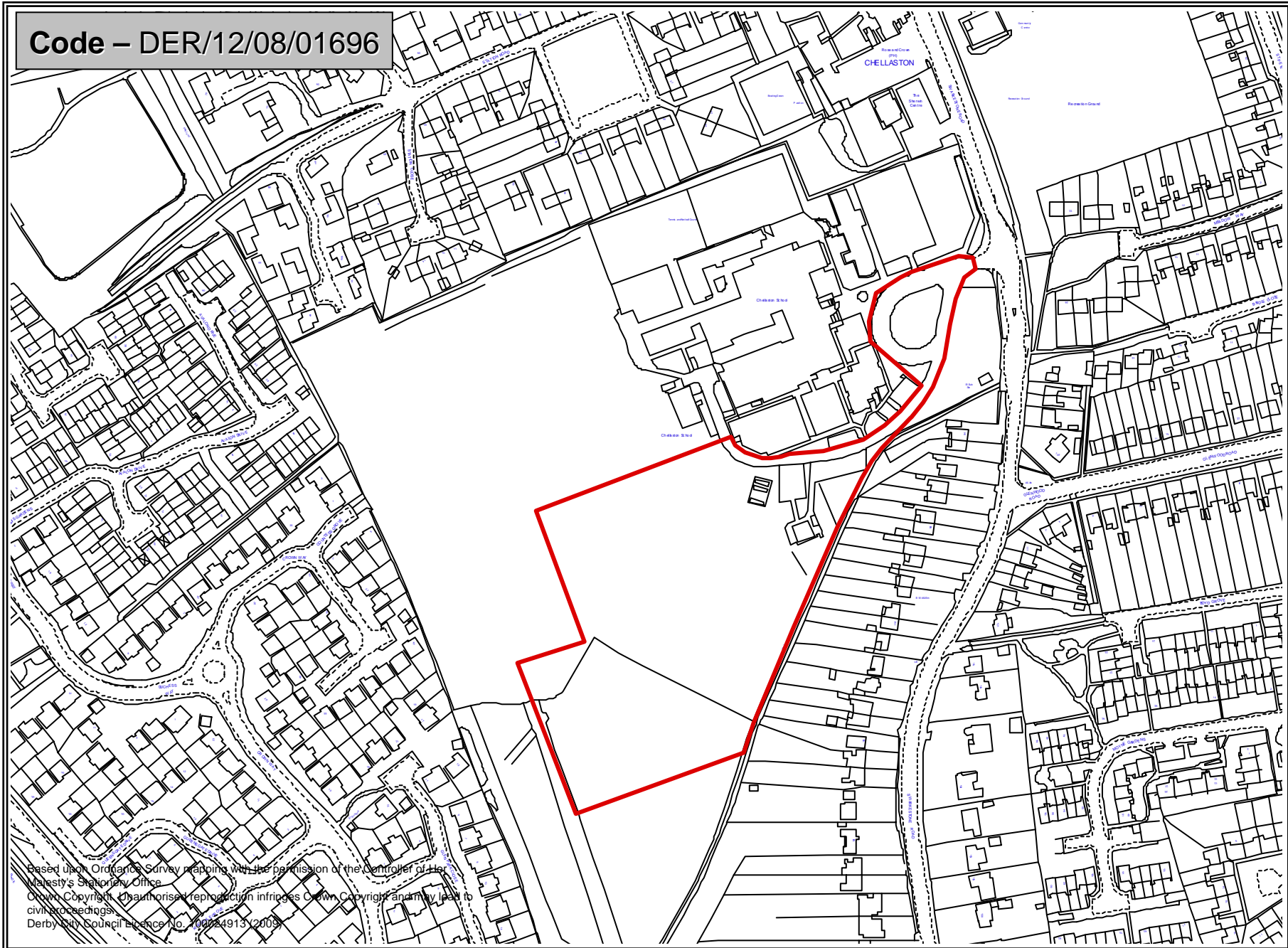
6 Code No: DER/12/08/01696

with the objectives of policy GD5 of the adopted City of Derby Local Plan Review.

2. To ensure a satisfactory external appearance of the development in the interest of visual amenity...policy E23.
3. To safeguard and enhance the visual amenities of the area...policy E17.
4. To safeguard and enhance the visual amenities of the area...policy E17.
5. Standard reason E11...policy E9.
6. In order to record the historical importance of the site...policy E21
7. To ensure that site surveys are undertaken for the new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality of planning field and to accord with policy 16 of the adopted CDLPR.
8. To help reduce energy consumption, pollution and waste in accordance with policy E10 of the adopted City of Derby Local Plan Review.

11.5 S106 requirements where appropriate: None.

Code – DER/12/08/01696



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B1 APPLICATIONS (cont'd)

8 Code No: DER/06/08/00852

Type: Full

1. **Address:** St Helen's House, and associated buildings including Pearson Building, the Headmasters House, chemistry laboratories, chapel and temporary classrooms on King Street, Edward Street and Arthur Street.
2. **Proposal:** DER/06/08/00852 (For full Planning Permission).The change of use of St Helen's House and Pearson Building from a learning centre (Use Class D1) to a Hotel (Use Class C1) and internal alterations and extension to form glazed link, erection of front boundary wall, conversion of Headmasters house to form 3 dwelling houses, demolition of chapel, temporary classrooms and chemistry laboratory, erection of 46 apartments and 3 dwelling houses, construction of basement car park and alteration to Edward Street access.

and

DER/06/08/00853 (For Listed Building Consent) Internal alterations and extensions to St Helens House and Pearson Building to form a glazed link in connection with the proposed use as a hotel, demolition of rear extensions of St Helen's House, conversion of Headmasters House, to form 3 dwellings, demolition of chapel, chemistry laboratory, boundary walls.

3. **Description:** I am sure Members are aware of St Helen's House, with its associated out-buildings and Members will recall that the premises were the subject of a committee site inspection held along with members of the Conservation Area Advisory Committee (CAAC) and the applicants, on 29 July 2008.

The site stands within but at the southern edge of the Strutt's Park Conservation Area and the World Heritage Site Buffer Zone. King Street lies along the western boundary, Edward Street lies to the north, Arthur Street lies to the east and a length of the inner ring road of St Alkmunds Way, lies to the south.

The north west corner of the site sits over a long redundant railway tunnel that runs under King Street to the immediate west, and continues under the site and Edward Street. The tunnel is known to have been backfilled in the early 1960s. It will be necessary for the developers to resolve what may be complex construction problems associated with this land constraint.

St Helens House itself has a long history which, along with its age and its architectural importance is considered to be of such importance that it has been Listed as Grade 1 on the Statutory List of Buildings of Architectural and Historic Interest. It is considered by those who know,

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

to be one of the finest purpose-built town houses to survive in this country outside of London and is the finest Georgian town house in Derby.

The original St Helen's House building was built in 1767 as a Palladian style mansion designed by Joseph Pickford for John Gisbourne. It was sold to the Strutt family who carried out innovative technological alterations to the house in the early 19th century. By 1848 the house was being used as a school and in 1863 the House was sold to the Governors of Derby School. Since 1972 St Helens House has been owned and operated by the Local Authority mainly as an adult learning centre. However the classes were eventually relocated away from the St Helen's House site in 2004 since when the premises has been unused and is now falling into disrepair.

St Helen's House is built in a late Palladian style with a front façade built from brickwork faced in grey sandstone ashlar. The other three elevations are mainly in red brickwork with stone dressings. The roof is of slate. Internally the building is as important as the exterior and it has retained many of its original architectural features, including staircases, plasterwork, doors, door casings and fire places remarkably intact.

During the long history of St Helen's House the wider site has been added to by a number of additional buildings associated with the school use, these include:

- a large 3 storey building known as the Pearson Building circa 1875, built as school rooms, standing immediately to the north of St Helens House, built from red brick, faced with sandstone ashlar and slate roof;
- a late Victorian Gothic style chapel, built from red brick with stone dressings with a red plain tile roof, about 1894;
- a brick and tile built chemistry laboratory circa 1894,
- a brick and tile built, Arts and Crafts style building known as the Headmaster's House fronting onto Arthur Street circa 1900
- two temporary wooden buildings built in 1934, that were once used as a handicraft room and gymnasium and which stand towards the north west corner of the site close to the junction of King Street and Edward Street.
- A war memorial dating from 1919 which stands in front of the main St Helen's House building.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

As stated above St Helen's House is a grade 1 listed building, standing in grounds with these other buildings. The listing of the whole site has been recently reassessed. This reassessment, included the Pearson building, the Headmaster's House and attached laboratories within the Grade 1 listing. The war memorial in front of St Helen's House is listed grade 2, whilst the chapel and timber classrooms are considered to be curtilage structures and are therefore offered statutory protection.

The property is owned by Derby City Council who have sold a lease on the property to the Applicant. Conditions of the lease require a maintenance and repairs programme of works to be implemented to halt the deterioration of the building.

The current proposal seeks to find an acceptable reuse for St Helens House that will meet the aspirations of the Council to:

- retain it in a use that will have some degree of accessibility to members of the general public
- halt the rapid deterioration of the fabric of the building
- lead to a sympathetic restoration of building.

The building has been included on the English Heritage Buildings At Risk Register for some time.

The proposal is to convert St Helens House and the Pearson Building into a hotel which would include its use as a wedding venue and conferencing facility. The Applicant has provided evidence that the cost of such a conversions is prohibitively expensive to carry out in view of the high costs that will be involved in the listed building restoration work and that without some form of financial assistance the development itself would be uneconomical. To help finance the conversion and restoration the Applicant proposes to carry out a development of new build residential apartments four and a half stories in height, three x 3 storey town houses and conversion of the former Headmasters House into 3 dwellings, with the intention of being able to cross subsidise the hotel conversion works from profits to be gained by the sale of the residential elements of the scheme. This cross subsidisation would fall under the description of "Enabling Development"

It is intended to construct the apartments on the northern end of the site and this would require the demolition of the existing wooden classroom blocks, the Victorian Chapel and the former school chemistry laboratory classroom, to provide sufficient clear site to erect a the 4 block of apartments and town houses. The demolition of listed and curtilage buildings would normally be contrary to adopted policy but is considered to be necessary for the whole scheme to succeed. In such cases the

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

development can correctly be considered to be “enabling development” a term recognised by English Heritage the Government’s advisory body of English Heritage. Stringent conditions have to be adhered to for “enabling development” to be considered acceptable, which I shall enlarge upon later.

Details of the proposals

It is proposed to retain St Helens House and the Pearson Building and by linking them together to create a 40 bedroom hotel.

It is intended to convert St Helen’s House itself with minimal intervention within the house to create:

at ground floor level:

- A reception foyer
- Bar and lounge bar
- 2 dining rooms
- Kitchens
- Male and female toilets
- Cycle store.

at first floor level:

- 4 conference rooms
- A tea and coffee preparation area
- Staff changing rooms and toilet
- Male, female and disabled toilets.

at second floor level:

- 3 bedroom suites and a single bedroom. One of the bedrooms would have an en-suite in a separate room and the other three suites and bedroom would have free standing bathroom pods that can be introduced into the original rooms without requiring any significant alteration to the original structure.

On the Arthur Street frontage of St Helen’s House it is intended to demolish a number of later extensions to the building to improve the appearance of this rear elevation.

The Applicant considers that the Pearson Building is more suitable for adaptation and consequently this proposal would subject it a greater degree of change than St Helen’s House itself. This will include the insertion of a new mezzanine floor at first floor level, which will divide up

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

the high ceiling assembly hall/gymnasium; and former classrooms remodelled to form hotel accommodation.

The Pearson building would have the following works:-

at ground floor level:

- Repositioning of internal corridor centrally down the length of the building restoring it to its original position
- Formation of 9 bedrooms with en-suite bathrooms, created by subdivision of existing spaces.

at first floor level:

- Insertion of a new floor at first floor level to subdivide the high ceiling first floor gymnasium/assembly hall into two separate floors.
- Formation of 9 bedrooms with en-suite bathrooms.
- Formation of store room and lobby.

at newly created second floor level:

- Formation of 9 bedrooms with en-suite bathrooms
- Formation of store room and lobby.
- Alterations to the top flight of the existing staircase to rationalise the access to the second floor.

at third floor level:

- Formation of 9 bedrooms with en-suite bathrooms
- Formation of store room and lobby.
- Alterations to the top flight of the existing staircase to rationalise the access to the third floor.

Between the St Helens House building and the Pearson Building it is proposed to demolish a linking ground floor corridor and toilet block and replace it with a glazed three storey linking block. This linking block will act as the main entrance to the hotel. The front elevation of this will be of a contemporary idiom utilising a recurved curtain wall mainly of glass.

The Link Block will provide the following accommodation:

at ground floor level:

- Entrance foyer reception area

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

- Lift
- Store room
- Corridor link between St Helen's House and The Pearson Building.

at first floor level:

- A lounge
- Lift
- Corridor link with stairs between St Helen's House and The Pearson building.

at second floor level:

- Store room
- Corridor link with stairs between St Helen's House and The Pearson Building.

at third floor level:

- Lift

The link block is set back about 8 metres behind the main front wall of St Helens House and about 0.5 metre behind the front wall of The Pearson Building, which is itself set back about 10 metres behind the main front wall of St Helens House.

A ramp and stepped access will serve the main entrance set behind a small wall.

To the rear of the link block at ground floor level would be constructed a new office fronting onto Arthur Street, built from masonry rather than the glazing used for the majority of the link block.

The Headmasters House This is to be converted from a single dwelling to three dwellings. This is to be achieved by sub-dividing it internally with the northern 2/3 being split from the southern third, by a vertical division, resulting in a small two storey two bedroomed house and the northern 2/3rds being split horizontally to give two single bedroom flats. Externally a bin store would be added to the north side. An abutting building, former chemistry laboratory class rooms would be demolished otherwise the house itself would be little altered.

The chemistry laboratory classrooms These are to be totally demolished to make room for redevelopment.

The Victorian School Chapel This is to be totally demolished to make room for redevelopment.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

The temporary wooden classrooms These are to be totally demolished to make room for redevelopment.

The enabling development will require the demolition of the chapel, chemistry laboratories and temporary wooden classrooms referred to above. It involves the construction two blocks of completely new residential development. One is a large 4 storey block that would house 46 apartments. It would be Georgian in architectural styling and have a partial crescent shaped footprint. Its northern most extremity would lie close to the junction of King Street and Edward Street. The front elevation would generally face towards King Street and transcribe an arc of approximately 71 metres in length, with the outside, convex face, facing towards King Street, this is the reverse of the well known Crescent in Bath whose front elevation is a concave arc.

The proposal referred to by the Applicant as Kings Crescent, would provide 10 apartments on each of the ground, first, second and third floor in a mix of 1 and 2 bedroomed apartments. The fourth floor would provide three two bedroomed penthouse apartments giving a total of 43 one and two bedroomed apartment in The Kings Crescent Block.

A second new-build block would be constructed on the northern side of the site on the Edward Street frontage free standing immediately alongside the northern end of the Kings Crescent Block and adjacent to an existing apartment block known as Alkmund Court. This would be three stories in height and provide three x 3 bed roomed town houses.

In total the new build proposal would provide 46 new build dwellings with 3 further dwellings in the old Headmaster House conversion.

Parking will be provided for 40 cars in basement level parking beneath Kings Crescent. The basement would also accommodate plant and equipment and bicycle and motor cycle parking. Inside the arc of the crescent, to the rear, there would be a landscaped courtyard, and bin/recycling store. Vehicular access to the site and basement car would be down a ramp leading from Edward Street.

The Kings Crescent complex would be constructed from facing brickwork, stucco render, slate tiles and architectural masonry.

Part of the existing boundary wall towards the north end of the King Street frontage is to be removed. A 50 metre length of wall to the south of this is to be retained and a new wall about 2 metres in height is to be constructed around the western and southern boundary of the site immediately to the front of St Helen's House itself to provide a secluded private garden. The wall will surround a newly formed formal garden

B1 **APPLICATIONS** (cont'd)

7 **Code No:** DER/06/08/00852

immediately in front of the main St Helen's House façade. It is envisaged that this area would be used by visitors and guests, typically for wedding photos etc.

Surface parking for 20 cars for hotel usage and 9 spaces for residents will be provided in the main forecourt.

One tree standing at the junction of King Street and Edward Street would need to be felled to make room for the new development. It appears that all other trees on the site are to be retained as part of the landscape scheme that will be concentrated around the immediate frontage of St Helen's House in a classical design consisting of an elliptical series of gardens, planting beds and York Stone paths radiating from a central point in front of the main entrance door to St Helen's House.

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

5. **Implications of Proposal:**

5.1 **Economic:** The proposal would bring St Helen's House and the Pearson building back into economic use.

City Development and Tourism – This is an exciting development opportunity for an extremely important building and gateway site. The proposals are very much supported from an economic development perspective. No doubt further scrutiny will be given to the development appraisal, but even if the applicant cannot commit to a section 106 agreement we would urge that he enters into a voluntary Recruitment and Training Agreement to mobilise partners in support of the hotel related jobs.

Enabling development, the proposal is supported by Enabling Development to fund the restoration of the listed building.

5.2 **Design and Community Safety:** I have no objection in principle to the change of use to hotel and conference facilities for St Helens House and the Pearson Building which will allow for minimal changes to the buildings and is closely associated with the original use of the main house, which is now not practical for use as a single dwelling.

detailed room by room comments follow.

Demolition of later extension on the Arthur Street side of St Helen's House. It appears though all of the extensions to be demolished are of little merit mostly walls rather than rooms and are from the 1914 era

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

extension. It is likely that I would have no objection to this rationalisation of the rear of the building ...

Conversion of the headmasters house. No objections in principle – it is an appropriate use and the alterations are minimal particularly externally

Demolition of single storey extension and glazed link:

No objection to the demolition of the 1930s extension. – glazed link may be appropriate approach and the form follows the function in terms of layout.

The Conservation and Development Plan suggest that a new landscaped garden would enhance the setting of the house and this proposal is in line with this suggestion... A stronger boundary recreated with the new boundary wall is essential to restore the setting of the house, which currently leaks into the noisy road adjacent.

See comments from Police Architectural Liaison below in connection with Community Safety.

5.3 Highways: Accesses to the proposed development are located at existing access points on King Street and Edward Street and will require improving to facilitate the development.

Although the site has an existing use the properties have been vacant for some time and therefore a development of this scale and nature will have an intensification of vehicular movements to and from the site and an impact on the surrounding road network. Overall parking allocation seems to be higher than our guidelines for the Central Area of Derby where we would normally seek a provision less than the maximum quoted in the CDLPR in an area which the Transport Assessment states is sustainable. However in this instance the car parking provision shown for the hotel and residential development is considered to be acceptable.

Servicing arrangements are to be provided from Arthur Street for deliveries and refuse collection and Edward Street is to be utilised for kerbside pick up for waste recycling from the residential development element of the proposal. This is considered to be acceptable but storage will be required for a combination of bin types as suggested by our Waste Management Section i.e. normal 'wheelie bin' and larger 1100 litre containers.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

A section 106 contribution would normally be sought for sustainable transport improvements in the area to encourage people to utilise other modes of transport.

There are no highways objections subject to the imposition of a number of conditions on any planning permission that may be granted.

5.4 Land drainage: The proposals do not materially affect in any way the existing drainage or flood potential of the site.

5.5 Disabled People's Access: The measures that have been incorporated within the proposals to deliver full access for all users to the development are fully supported. Further consideration needs, to be given, however, to:

- Repositioning the disabled persons parking bay from bay 20 to bay 8
- Ramped approaches to St Helen's House and the new link should be a condition of any permission
- Five new lifetime home dwellings would normally be required
- Ramped access required to the raised feature courtyard
- A full and more detailed access statement is required.

5.6 Other Environmental: There are trees on site whilst not being covered by a TPO are considered to have a particular public amenity value.

6. Publicity:

Neighbour Notification letter	81	Site Notice	
Statutory press advert and site notice	*	Discretionary press advert and site notice	
Other			

7. Representations: Two letters has been received from a neighbouring resident stating that the conversion looks interesting and beneficial to the area but expressed concern over the impact of the proposed apartments on daylight which will be lost from his property as a result of the position and height of the apartment block that there would be a loss of privacy, that there would be inadequate parking provision and there could be technical problems associated with the underground parking as a result of the presence of the redundant railway tunnel.

A further letter has been received from Strutt's Park Residents' Association who strongly support the application are concerned at the level of off street parking provision which they consider to be inadequate and also consider the provision of apartments to be

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

inappropriate in that part of the City which they consider is over provided with such dwellings and that town houses would be more appropriate.

... Copies of these letters are reproduced.

A further point raised is the possibility of the development causing structural problems with the nearby property possibly exacerbated by the redundant railway tunnel that lies under part of the site.

8. Consultations:

CAAC - The Committee raised no objection in principle to the change of use and internal alterations to St Helen's House, the Headmaster's House and the Pearson Building, subject to officer satisfaction with details. The following comments were made to the details of the proposal:

1. Demolition of the chapel and chemistry laboratory. The Committee raised concern about the demolition of the Chapel but accepted that this building may have to be sacrificed to secure the restoration of the principle listed buildings on the site. The Committee therefore raised no objection subject to confirmation of the development appraisal by an independent source.
2. Insertion of a new floor and modification to the existing staircase within the Pearson Building. The Committee raised no objection.
3. Design of the proposed glazed link between St Helen's House and the Pearson Building. The Committee expressed concerns that the revised plans had not addressed their original concerns about the affect of the reflective nature of the glass. The Committee recommended refusal because their previous objections had not been sufficiently addressed.
4. General building works and repairs within St Helen's House and the Pearson Building. The Committee expressed concern that the submitted plans contained no details of the proposed wall and gates to the fore/side of St Helen's House and requested such details be sought from the applicant. The Committee recommended deferral of this amendment pending these details.
5. Highways amendments. The Committee raised no objection.
6. Scale and mass of the proposed enabling development. The Committee considered that the minor amendment to the scheme failed to address its previous objection to the scheme of enabling

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

development, and in particular the crescent-shaped nature of the proposal, and therefore its original objections to these proposals still stand.

CAAC recommended that planning permission and listed building consent be refused and urged the development of an alternative option.

Environmental Health (Pollution Control)

- Noise - The noise report submitted with the application indicates that the site is within NEC C/B and suggests a suitable noise mitigation scheme. There would be no objection to the application on noise grounds, provided that the mitigation measures mentioned in the report, including restrictions on internal machinery, windows and ventilation are submitted to and agreed in writing with the Local Planning Authority prior to construction taking place.
- Contaminated land - Part of the site is potentially contaminated, therefore before the commencement of any development a preliminary site investigation reported shall have to be submitted to and approved by Derby City Council and can be conditioned accordingly.
- Air Quality -This proposed development will bring sensitive receptors, (eg the occupants of housing) within 14 metres of a busy road or junction. Consequently, the future occupants are at risk of exposure to pollution levels exceeding the annual average nitrogen dioxide, National Air Quality Objective of 40 ug/m³.

The developer should refer to Derby City Councils 'Supplementary Planning Guidance – Air Quality and New Development and submit an Air Quality Impact Assessment for approval. This assessment will need to include mitigation measures, which will minimise the likelihood of exceeding the annual average nitrogen dioxide objective.

Local monitoring has shown that beyond 14 metres from the kerbside pollution levels are unlikely to exceed the National nitrogen dioxide objective. ... Where this physical separation is not possible and sensitive development are proposed, within 14 metres of the kerbside of a busy road or junction the Air Quality Impact Assessment will need to demonstrate that the chosen mitigation measures will minimise the likelihood of pollution levels exceeding the annual average nitrogen dioxide objective.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

Environmental health (Food) - Comments relate to the hotel element of the proposal. Details of a suitable and sufficient ventilation system should be submitted to and approved by Derby City Council, before the use is commenced. This shall be for the purposes of allowing all windows and doors to remain closed at all times when the premises are in use so as to minimise the likelihood of noise nuisance to nearby residents.

Police Architectural Liaison - As a principle the proposed development is welcomed to breathe some life back into the area. A mix of residential and commercial uses should extend occupancy times and a broad ownership of the semi-private realm.

The Georgian architecture with its generous fenestration brings a strong streetscene, excellent opportunity for overlooking of the external environment and consequently increases the likelihood of self policing. The period detailing with ornamental railings gives a strong definition between public and private space again discouraging casual trespass and encouraging ownership.

One negative observation is that there is no indication of access control into the enabling development basement car park, which would be beneficial. The Applicant is advised to specify a secure entrance into the basement with suitable access provision for vehicle access and egress.

Derbyshire County Council, County Archaeologist - St Helen's House is a Grade 1 Listed Building, and the curtilage buildings are, therefore also Grade 1 Listed by association. The site is located in the Strutts Park Conservation Area and the buffer zone of the Derwent Valley Mills, World Heritage Site. It is 20 metres outside of the boundary of an Archaeological Alert Area as defined in the City of Derby Local Plan. The site also includes a grade 2 listed war memorial and a stone plaque in the site boundary wall.

The archaeological interest in the site falls into two areas: the historic fabric of the Grade 1 listed buildings and the potential for below ground archaeological remains.

The significance of the historic buildings is addressed in the Architectural and Archaeological Analysis submitted to accompany the application. This document provides a detailed assessment of the historic fabric and the likely impacts of the proposed development but does not make specific recommendations for mitigation.

The over-riding concern in redevelopment of the site is to secure a long term, sympathetic and sustainable future for the exceptional Grade 1 building of St Helen's House, currently disused, and subject to rapid

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

deterioration. While the curtilage buildings proposed for demolition (chapel, chemistry laboratory and temporary class rooms) have some significance as a group values, I accept the conclusions of the Architectural and Archaeological Analysis, that these buildings are unlikely to have been individually listed without their association with St Helen's House. If the City Council is convinced that the current scheme offers a sympathetic long term future for St Helen's House, and it is only achievable with demolition of curtilage buildings as proposed then the loss of these buildings could be considered an acceptable concession.

I recommend that a programme of building recording should be carried out to mitigate the impact of internal alterations to St Helen's House, the Pearson Building and the Head Masters House and the demolition of other curtilage buildings. This will comprise an initial phase of survey to be carried out before any demolition or conversion work, covering all standing buildings on site, and a building watching brief be carried out during the conversion work on St Helen's House. I should be contacted at the earliest opportunity for a written brief from which this work will be carried out the document will set detailed levels of recording for each building, as defined by English Heritage.

The Architectural and Archaeological Analysis also identifies that the northern segment of the original forecourt wall of the house survives this should be retained in-situ within the development. The grade 2 listed memorial and stone plaque in the boundary wall should also be retained.

The Architectural and Archaeological analysis unfortunately does not consider the below ground archaeological potential of the site. The site is located just outside the medieval town ditch of Derby, and recent excavations on the western side of King Street, within 15 metres of the site boundary, suggest that stratified medieval deposits survive in places in the area. Areas of St Helen's House site have remained undeveloped in post – medieval times and there is some potential therefore for the survival of medieval archaeology on the site. The impact of 18th and 19th century landscaping on this potential archaeology survival is unknown although the 1870s 'cut and cover' tunnel of the Derby and Staffordshire railway, cuts across the north western corner of the site and would have removed any earlier archaeology in this area. The tunnel itself however is of some archaeological interest.

I recommend, therefore, that a programme of archaeological field evaluation is carried out for those areas to be subject to significant ground impacts as part of construction or landscaping. This work should be carried out following demolition and clearance of curtilage buildings but before any construction or landscaping groundwork.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

Corporate Services, Estates - Fully support the proposal which is in accordance with the sale agreement with the Applicant.

Derby Civic Society - The Derby Civic Society is very pleased with the proposals suggested. However there is a feeling that the glazed atrium linking St Helen's House with the Pearson Building could be one floor less thus enabling both buildings to have prominence and show off their grandeur.

Derbyshire Wildlife Trust - The bat survey was carried out at a sub-optimal time of year (March 2008), when bats will generally be in hibernation and evidence of their presence, in particular on external features and elevations may have been removed by the weather.

A data trawl for the site and surroundings does not appear to have been undertaken. We hold a number of bat records for the vicinity.

It is recommended that prior to granting planning permission a further day time bat survey of all buildings to be affected by the works is completed during the active bat season (April – October) and that evening and dawn bat survey work is also completed to try to determine more fully the presence or absence of roosting bats at the site.

In addition it is recommended that in line with PPS9, suitable roosting opportunities for bats and nesting opportunities for birds are incorporated into the development design.

Victorian Society - Raises serious concerns regarding the demolition of the Chapel and the proposed enabling development.

The complex of buildings, which includes St Helen's House and the Pearson Building, the Headmaster's House and the school room and chapel has considerable group value and a strong collegiate feel. As we stated in our previous letter, "*although originally built as a private residence, St Helen's House was in educational uses from the 1860s up until it closed in 2004. This was a substantial period in the building's history and the other buildings on the site are physical evidence of its past use as well as being of architectural interest in their own right.*" The loss of any one of these buildings would have a detrimental impact on the special architectural and historic interest of the site as a whole. We would strongly urge you to develop a scheme whereby all of these buildings can be retained. We would certainly need very strong evidence that all alternative options, which do not involve demolition, have been explored and tested financially.

To allow these school buildings to be retained the current proposals for enabling development - if enabling development is deemed to be

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

acceptable – would have to be reconsidered. We believe that better use can be made of the vacant land to the north of the site by moving away from the proposed crescent design which we feel does not:

- 1) make economical use of the space,
- 2) relate well to the shape of the site: or
- 3) contribute to the streetscape.

Instead the Applicant should seriously consider a denser, acute angled block on the King Street intersection which would provide adequate enabling development and allow for the retention of the group of historic school buildings.

The demolition of the chapel and the school room is not supported and the design of the enabling development is not considered to be acceptable.

The Georgian Group - Although the proposed new uses for the site are acceptable in principle the group remains extremely concerned by the quality of the scheme.

Although outside of the groups date remit to comment it is of the opinion that the (Victorian) chapel should be retained as it form an important part of the setting of St Helen's House and is a notable building within the conservation area.

Concerns were raised over the lack of information supporting the need for the proposed new development. If the need for enabling development could be financially justified it should be redesigned to allow for the retention of the chapel with the chapel acting as a break or step, between the high density new build and the original mansion.

The proposed car parking to the front of the site should be relocated or more affectively screened.

The Group maintain its view that the proposed glazed link would be damaging to the setting of the Grade 1 listed building that the chapel form an integral part of the setting of the G1 listed Georgian Mansion and so its loss would be damaging to the special architectural and historic setting of the site.

English Heritage - Have made extensive comments and observations during the cause of the application and in pre-application advice. These and summarised as follows Comments dated 1 August 2008, on initial submission.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

St Helens House has been included on the English Heritage Buildings at risk register for some time and efforts to identify a new use for the building culminated in the most recent marketing exercise by Derby City Council who have decided to sell the leasehold of the land to the applicant... It has previously been accepted by English Heritage that if a case for enabling development was made any development should be located on the site of the timber class room.

English Heritage is broadly supportive of the concept of converting St Helen's House and the Pearson Building to use either as office or hotel. However we have significant concerns regarding the proposal as presented in this application.

No detailed condition survey has been supplied to demonstrate on what basis any conservation deficit has been calculated, an essential document.

The case for demolition of the chapel and laboratory building remains to be convincingly made and is dependent upon the financial justification for the level of enabling development proposed...

Despite pre application advice the design of new build has not been amended and is not convincingly Georgian in its design.

The implications of the work to convert the Pearson Building and St Helen's House to either office or hotel are not clear and an Impact Assessment is required.

On the basis of the information provided we unfortunately do not believe that your authority can grant either planning permission or listed building consent for the development at this stage.

Proposals for the conversion of St Helen's House and the Pearson Building to hotel or office use demolition of the chapel and the form of any enabling development can only be considered in the light of an overall justification for the level of enabling development proposed. For example a damaging intervention into the main hall of the Pearson Building is proposed which will have a significant impact on its character, such an alteration could only be considered acceptable in light of an overall beneficial scheme for the site. Such a justification remains to be established.

Commenting on the design of the proposed new build – a Georgian Style crescent – English Heritage considers that this form of development can only be successful if done excellently and authentically. The details of the scheme and its authenticity are questioned.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

Recommendation (by English heritage)

In our pre application letter of 10th March 2008 we commented that it will be essential for your authority to assess the figures provided and be satisfied with their accuracy and that the level of enabling development proposed is the minimum necessary to secure the future use of the heritage asset. Unfortunately insufficient information has been provided for your authority to carry out such an analysis. Therefore we must regretfully conclude that on these grounds alone the current application is inadequate and must be refused.

If the case for the level of Enabling Development proposed is established to your authority's satisfaction further consideration is required of both design of the Enabling Development and the implications of converting the Pearson Building to either hotel or office use. A justification for demolition of both the chapel and laboratory building is also required demonstration why it is not possible to retain them. Neither listed building consent or Planning permission should be granted on the basis of the submitted drawings.

English Heritage comments dated 4th December 2008. commenting on revised submission.

With regard to the proposed enabling development. It is understood that an independent financial appraisal has been carried out and that if anything, this concludes that even with the level of enabling development proposed the potential developers profit is marginal. EH believes that your authority is satisfied with both the appraisal and costs submitted by the applicant and in providing our advice we are working on this assumption.

The revised proposals confirm that demolition of the chapel chemistry building and temporary laboratory buildings is seen as necessary in order to generate sufficient funds for the conservation of St Helen's House and the remaining structures via enabling development. The revised design and access statement provides a series of options for alternative site layout which allow for the retention of the chapel and chemistry building and the provision of the enabling development in another form. In all cases the level of enabling development which the site could accommodate does not allow for the generation of sufficient funds to address the conservation deficit or the forms of enabling development required in order to do so would be unacceptable – a six or seven storey tower block. In this case many of the usual tests for demolition as found in PPG15 3.16 – 19 do not apply as the justification for demolition relates directly to the proposal for enabling development.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

In conclusion we now believe that the applicant has provided sufficient information to answer the queries expressed in our original letter. On balance English Heritage accepts that the scheme delivers wider benefits for the whole site and principally St Helen's House, the outstanding building in the complex. We believe that the scheme conforms to advice contained within our Policy Documents Enabling Development and the Conservation of Significant Places (2008) and have no further comments to make.

Arboricultural Officer - Paragraph 3.3 of the submitted tree survey refers to the need for an Arboricultural Method Statement for works including the demolition or re-surfacing of parking areas. I agree with this statement and believe one should be provided.

As well as the above a tree protection plan should be submitted detailing the locations of all protective fencing.

I anticipate that a section of the new Crescent Apartment block will be subject to heavy shade in the future from T12 and T11 and a such possibly present future pruning pressures on these trees.

9. Summary of policies most relevant: CDLPR Policies:

- GD1 - Social Inclusion
- GD4 - Design and Urban Environment
- GD5 - Amenity
- CC1 - City Centre Strategy
- CC7 - Residential Uses within the central area
- H11 - Affordable Houses
- H12 - Lifetime Homes
- H13 - Residential Development
- H14 - Reuse of underused buildings
- E9 - Trees
- E10 - Renewable Energy
- E18 - Conservation Areas
- E19 - Listed Buildings and Buildings of Importance
- E20 - Uses within Buildings of Architectural or Historic Importance
- E21 - Archaeology
- E23 - Design
- E24 - Community Safety
- E27 - Environmental Art
- E29 - Protection of the World heritage Site and its Surroundings
- L2 - Public Open Space Standards
- L3 - Public Open Space requirements in new development
- T1 - Transport Implications of New Development
- T4 - Access, Parking and Services
- T10 - Access for disabled people

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

10. Officer Opinion: St Helen's House, Pearson Building and glazed link.

Land Use Policy

The proposed change of use to hotel, with conference and wedding facilities, of the St Helens House and Pearson Buildings is one of the Council's preferred re-uses for these historic buildings particularly so for St Helen's House itself. This is reflected in the lease agreement made between the Derby City Council as freeholder, and the applicants, which gives the acceptable uses as residential, hotel, offices or education. National guidance is that the best re-use of historic buildings is in a use related to the original use. St Helens House was built as a dwelling but a house of this grandeur will have been built with a view to provide hospitality and entertaining the friends and associates of the owner. It is considered that use as a hotel and conference venue will see it re-used as an place of hospitality to entertain members of the paying public. Although the Pearson Building was purpose built as a part of a school, it is so closely related to St Helen's House itself that it is most preferable that both buildings share the same or a similar usage.

The Council has expressed a view that preferably any re-use should allow some degree of public access which would reflect the public ownership and the historical access that been allowed in more recent years when it has been used as an adult educational centre . The proposed use as a hotel, with wedding and conferencing facilities will permit such access, and the conversion that is proposed allows for minimal intervention and alteration to the original fabric of St Helen's House. It is considered that in principle such a use would be acceptable in terms of the proposed alterations that would be necessary to the St Helen's House.

In location terms CDLPR Policy EP 16 (Visitor Accommodation) allows for the development , expansion or improvement of visitor accommodation and related facilities , including conference facilities, in a number of different locations within the City, including the City Centre. The policy refers particularly to sites that are well served by the public transport network and areas that are well related to existing or new visitor attractions. The site is only just outside the inner ring road, and so can be considered to be in a City Centre Location, and is also well related to existing visitor attractions such as the museums and art gallery, the Cathedral, World Heritage site and the Assembly rooms. I am therefore satisfied that the use itself is acceptable.

The repair, maintenance and conversion of the St Helen's House and the Pearson Building could not be achieved without the support of some extra funding over and above that which would be realised by the

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

conversion itself. In this case it is intended to provide that additional funding by the provision of residential development on the site a proportion of the profits from the sale or rental of the residential development being used to cross subsidise the St Helens House conversion.

The site is in an area of mixed uses including education, retailing, church and residential. The educational use would be extinguished if this proposal were to be approved. I consider that the principle of residential development is appropriate for this site, it would help to meet City-wide housing requirements, would be an appropriate form of development on brown field land and it would not significantly prejudice the existing surrounding uses. I therefore consider that in principle the creation of residential development in this location would be acceptable. There are however considerations such as the loss of listed and curtilage buildings, and impact on neighbouring properties and their occupiers that would in other circumstances render the proposal unacceptable.

St Helen's House

The conservation and conversion of St Helens House will leave most of the internal spaces as originally conceived when it was first built, removing some of the partitions that were added in later years when it was in educational use.

The ground floor rooms will act as the main reception areas with a separate entrance for functions and grand reception area/foyer, two dining rooms and a large bar. The first floor will be used principally as conference rooms and the second floor will convert to the main show piece bedroom suites.

A comprehensive Survey of Condition of St Helens House and associated buildings, was undertaken in October 2004, commissioned by St Helen's House Trust. This details the majority of building defects that need attention and which are adding to its deterioration. It incorporates an outline schedule of repairs. This has been used to inform the current conservation proposals and these will be undertaken as part of the conservation of the building.

There are no objections raised to the conservation or conversion works from English Heritage, The Victorian Society or the Georgian Group. Full details of working methodology, use of materials etc. can be controlled by conditions attached to any planning permission of listed building consent that may be granted.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

The proposals for the internal arrangements, layout of rooms etc, are currently somewhat speculative as at present there is no hotelier directly involved. The applicants are however in discussion with a number of hoteliers who may be interested in taking on the scheme. Individual hoteliers are likely to have their own detailed requirements for internal fit out. Final fit-out details if they do not conform to those in the current proposal would have to be subject to revised planning and listed building consent applications. The applicant has made it clear however that it is essential that a valid planning permission and listed building consent are in place before any hotelier is likely to commit to taking on the proposal and so a notional but fully credible scheme needs to be agreed at this stage. I believe the current proposals constitute such a credible scheme.

The Pearson Building will bear the brunt of the conversion works. It will also provide the majority of bedrooms for the hotel. In the past years the internal arrangements of the ground floor appear to have involved the repositioning of the original central corridor running the length of the building, off-setting it to one side. The current proposals for ground floor would involve the re-establishment of the central corridor by the repositioning of walls to achieve a balanced arrangement of floor spaces either side of the corridor, and the subdivision of the space into 9 en-suite bedrooms.

At first floor level the existing building has a single large high ceiling sports/assembly hall effectively two stories in height that occupies almost the whole of the first floor. It is here that the greatest degree of alteration is proposed. This would involve the insertion of a totally new intermediate floor to create a first and second floor. This would totally alter hall/ gymnasium which is perhaps the single most interesting feature of the internal aspect of the Pearson Building. The applicants have justified this level of intervention by saying that only by providing the majority of bedrooms in the Pearson Building is it able to carry out a credible hotel conversion, without requiring additional, more damaging alterations to St Helen's House itself. The new first and second floors would each contain 9 bedrooms with a further 9 in the 3rd floor.

The existing windows serving the Pearson building hall, are tall, double storey in height. It is intended to leave the external appearance of the windows themselves unaltered but the insertion of a new floor would cut across the window openings approximately halfway up the height of the windows and so this alteration will have a visual impact that will be seen from outside the building. I believe that an appropriate method can be devised to disguise the new floor from sight when viewed from outside and further constructional details of this may can be required and controlled by condition should planning and listed building consent be granted. Submitted drawings already show how this may be treated with

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

the centre window panes boxed out and opaque glazed panels being inserted where the floor cuts across. It is considered that the insertion of the mezzanine floor would be reversible.

The original cantilevered stair case is to be altered at second floor level to improve and rationalise access at third floor level. Further large scale details of these may also be required and controlled by condition.

Currently at ground floor level, there is a linking building between St Helen's House and The Pearson building containing corridor link and toilets. This is a late addition to the original link between the two buildings. This would be removed to facilitate the erection of a new, modern design glazed link block but it is intended to retain an original linking wall that formed part of the original Pearson Building.

The original internal staircase which serves all floors is to be altered between third and fourth floor levels. This is considered to be an acceptable alteration.

Conservation Issues These are some of the more controversial matters that have to be considered, particularly with regard to the proposed demolition and removal of curtilage buildings from the site.

The applicants have demonstrated that the conversion of the principle buildings on the site to a beneficial use, (St Helen's House and The Pearson Building) and the necessary and vital works of repair and reasonable conservation could not be economically achieved without some additional input of financial resources.

Costed estimates based upon Conservation estimates undertaken during the Councils ownership, have demonstrated what is known as a conservation deficit. That is a shortfall between the financial costs involved in the bringing the buildings back into a state of good repair and beneficial reuse exceed the returns that could reasonably be expected from the re use.

In the absence of any or sufficient grant to cover the short fall the applicants propose to carry out development on part of the site and use part of any profits that may be realised to subsidise the conservation and conversion works of St Helen's House that will see its retention and reuse. At present the only land available to the applicants for this development is within the curtilage of St Helen's House. Although they have asked the Council if any other sites are available away from St Helen's House which could possibly be developed, to help contribute to the Conservation deficit, nothing suitable has so far been identified. So the applicants are restricted to work within the land that forms the curtilage of St Helen's House.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

The applicants have shown in their submission a number of alternative proposals in a design appraisal of the site to ascertain the most appropriate form of development for the site. New build development within the site would not under normal circumstances be considered acceptable in view of the conservation considerations. So any works that may be considered would have to fall under the exemptions of “Enabling development “ and the applicants have to demonstrate that the level of new development proposed is the absolute minimum that is required to cover the conservation deficit. The guidelines that govern the acceptability of Enabling Development are laid down in documents drawn up by English Heritage. These set out in great detail what may or may not be acceptable but make it quite clear that enabling development should be capable of providing sufficient financial returns to cover the costs of the enabling development itself, cover the conservation deficit and at the same time permit the developer a reasonable profit. The enabling development should be the minimum required to achieve these ends.

Ideally any enabling development would be undertaken where it does not require any loss of significant historic buildings within the site. In this case this would be on the North West corner of the site which currently houses the temporary wooden class rooms, allowing the more substantial buildings such as the chapel and chemistry laboratories to remain. However the alternative proposals contained within the design appraisal show that this rather small area of land would not provide adequate space to allow for sufficient development to take place to make sufficient profit to cover all the costs, without the building being of such a height as to render it unacceptable on other planning grounds.

The solution preferred by the developer would involve the use of a larger portion of the site to achieve the necessary footprint and this would involve the demolition of the Victorian Chapel and later chemistry laboratory buildings. The design of the proposed new build apartments includes of a Georgian style crescent with separate town houses. The Victorian Society has objected to the proposal both on the grounds of the unacceptable loss of the Victorian Chapel and school rooms and on the grounds that the design of the proposed development is unacceptable. They have I believe also misconstrued the financial appraisal in their most recent comments (4th December 2008) and have assumed a level of developer profit in the region of 15% which they take to be driving the amount of enabling development being sought. This is not the case and a developer profit far lower than this 15%, is shown within the financial appraisal. The applicants’ financial appraisal has undergone an independent assessment utilising the Condition Report and schedule of repairs costs information provided. This makes it clear that the level of developers profit is well below the 15 % figure referred

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

to by the Victorian Society and at a level that could not reasonably be reduced without prejudicing the whole scheme.

Victorian Chapel and chemistry laboratories demolition

Both the Georgian Group and The Victorian Society have objected to the loss of the Victorian chapel and suggest that the proposed enabling development should be tailored to fit within the area currently occupied by the temporary class rooms. The mock Georgian Design of the proposal is also criticised as being inappropriate and a modern architectural solution is recommended. The applicants have commented that the primary aim of the proposal is to safeguard the future of St Helen's House and whilst they recognise that the whole assembly of buildings on the site have both historic and architectural value, have demonstrated that without the demolition of the Chapel and chemistry laboratories the extremely limited ground area that would be available for redevelopment, would dictate a far higher density of redevelopment which would require a significantly more massive building than the ones now proposed. The retention of the chapel would represent the loss of up to twelve units of residential accommodation from the proposed scheme and the difficulty of efficiently and economically converting the building undermines the ability of the enabling scheme to support the repairs to St Helen's House. The chapel was gutted of its original internal features many years ago and was converted into a lecture theatre with projection facilities so only the shell of the Victorian building, remains with a number of stained glass windows.

The chemistry laboratories are in poor condition and architecturally of little merit in their own right, and the principle interest in these buildings is historic as an integral part of the development of the whole site for educational purposes. Their inclusion in the listing rather than being a curtilage building, does however give even greater reason to consider carefully the impact of its removal from the site.

My own view is that the greatest priority must be with regard to restoring St Helen's House to a beneficial use and ensuring that it is maintained and conserved to ensure its future.

English Heritage (EH) in commenting on the revised drawings for the proposal has raised no objections in principle to the proposed change of use to hotel and conference centre. Although it considers that the proposed demolitions of the chapel and chemistry laboratories are regrettable, it considers that the arguments submitted for their removal are stark, that the level of enabling development required to facilitate the repair of St Helen's House and associated buildings cannot be achieved in an acceptable form if these buildings are retained. On

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

balance EH accepts that the scheme delivers wider benefits for the whole site and principally St Helen's House the outstanding building in the complex. EH believes that the scheme conforms to the advice given in its policy document "Enabling Development and the Conservation of significant places (2008)" and has no further comment to make.

My own view is that the greatest priority must be with regard to restoring St Helen's House to a beneficial use and ensuring that it is maintained and conserved to ensure its future and these concerns do over ride the desirability of retaining the whole of the St Helen's house complex of curtilage buildings intact.

In view of the Grade 1 Status of St Helen's House and curtilage buildings, it will be necessary to notify the Government office of the West Midlands, of the Council's recommendation if that is to grant listed building consent.

Design considerations

A number of concerns have been raised with regard to the design of the new elements of the proposed development which are fairly controversial.

The glazed link block between St Helens' House and The Pearson Building has been criticised as being too modern, too tall and too prominent. It also originally enclosed too many window openings from the original buildings which would as a result need to be in filled for fire safety reasons. A modification to reduce the depth of the glazed link has been received. Which now reduces the number of windows that would need to be enclosed? Matters of opinion on design matters are frequently very subjective and views can be quite polarised. With regard to the link block I do consider that the architects have chosen the most appropriate place for the main entrance placing it between the two buildings. It will be uncompromisingly modern but the transparency of the main walls should in my view render it visually subservient to the original buildings and help to maintain the visual gap between the two original buildings.

The internal works to St Helens House and the demolition of more modern accretions from the rear elevation are sympathetic to the original building and subject to detailed methodology being agreed the works to that building seem generally to be uncontroversial.

The alteration to the Pearson Building will also mainly affect the internal appearance of the building in particular the subdivision of the first floor assembly hall by insertion of a mezzanine and alterations to the original

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

stairs. It is argued by the applicant that the Pearson Building is the most appropriate building to provide the majority of the rooms for the hotel and that to do this most efficiently the two storey hall would have to be sacrificed to provide these rooms. The insertion of a mezzanine floor would account for 50% of the rooms proposed in this building. Without this insertion the number of rooms falls to a point which would make the scheme unviable as a hotel and further increase the number of new build units required to support any other use.

Although subdivision of the Pearson Building hall would be a significant change to the internal layout and the integrity of the building as a former school from outside the building would not look significantly different. English Heritage have accepted that such insertion of a mezzanine floor would be necessary to achieve the aim of conversion to a hotel.

New Build The proposed design of the new build enabling development has received a significant degree of criticism in its own right leaving aside the concerns over the loss of the chapel and chemistry laboratory buildings.

The criticisms received with regard to this proposal are summed up by the following description.

“The Conservation and Development Plan suggests that the new build element which may be required to allow for the repair and conservation of St Helen’s House should not exceed, 3 full stories without roof access or 2.5 stories with roof access, so as not to have an overbearing impact on the setting of the listed building.

The current proposal is for a 4.5 storey building plus basement, does not follow the grain of the site and is of a different architectural style to the main house being of classically proportioned Georgian pattern book style rather than the Palladian influenced Pickford designed town mansion of St Helen’s House. It is not a full crescent, but rather a segment due to the restrictions of the site, and the curved terrace is not a typical feature of Derby. It is acknowledged that there are arrangements of mansions and terraces similar to this in other parts of the country, but do not consider as stated in the design and access statement that there are local influences for this.

However it is understood that the layout was designed to create unfolding views and frame St Helen’s House, and also to follow the path of the sun to provide good south aspects, and to reduce traffic noise. In addition, it has been proved through an options appraisal now submitted that this is the minimum amount of development necessary to ensure the conservation of St. Helen’s House. As the option of a modern and distinct design has been discarded we would expect

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

houses copying the pattern book Georgian style to be faithful to the proportions in the pattern books, which hasn't been referenced in the design statement. The order of the window details does appear to be appropriate in regards to the status of each floor.

Whilst this form of 18th century style development may not be characteristic of Derby (examples given in the design and access statement within Derby are Victorian), it is accepted that this form of development is the most appropriate given the restrictions of the site and the units required, if a contemporary approach has been rejected, and also accept that the simplicity of the classically proportioned elevations will not detract from St Helen's House. Initial concerns about perpetuating the change in scale begun by the construction of the Pearson building have been considered in relation to benefits outweighing disbenefits, and the fact that the footprint of the Crescent has been reduced in length by 4m, and also that the scale and mass of the proposals are a direct response to the requirements to meet the conservation deficit. "

English Heritage comments on the later amended submission. "On balance English Heritage accepts that the scheme delivers wide benefits for the whole site, principally St Helen's House, the outstanding building on the complex. We believe that the scheme conforms to advice contained within our policy document Enabling Development and the Conservation of Significant Places (2008) and have no further comments to make.

In view of these comments from English Heritage, I consider the style and form of the new build proposals to be acceptable.

Enabling Development

The new build scheme comprises enabling development for the restoration of the main listed buildings; enabling development is by definition development that is contrary to policy and unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify carrying it out and which would otherwise not be achieved. The key public benefit to significant places is usually the securing of their long term future. The policy issue in this case is the demolition of listed curtilage buildings and the impact on neighbouring amenity.

In order to consider such development the applicant must submit a variety of information sufficient to understand the nature and significance of the place, how the proposals have evolved, including other options considered and a complete financial appraisal of the

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

scheme. The development has to be subject to financial scrutiny by the Local Planning Authority.

This information has been submitted and scrutinised by consultants and I can confirm that the information submitted is acceptable in relation to the stringent tests required.

Highways Considerations frontage currently takes two-way traffic. This is to be changed to a one way system once the Inner ring road proposals are implemented which will mean that all traffic would approach the proposed main entrances of the site , from the north. The hotel element of the development would be accessed from a vehicular access onto King Street.

The apartments would be accessed off a main entrance from Edward Street, servicing of the hotel would be from the southern end of Arthur Street.

A Transport Statement was submitted with the application which has been assessed by the Highway Authority. They comment that as the St Helen's House site has been unused for some time, the proposals would result in an intensification of vehicular movement to and from the site. Although this would be the case, I don't consider this to be a realistic assessment of the proposed impact. The site has extant use for educational purposes. The current lack of active use of the site should not be seen as the norm by which traffic activity is judged. The site could be restored to any form of educational use without requiring a planning permission and such a use would inevitably lead to an increase in traffic and it has to be the relative change between an active educational use and the proposed hotel and residential uses that has to be compared.

The Transport Statement does not show that there would be a significant increase in traffic movements so there should be no requirement for mitigation measures to be undertaken on the existing highway.

Car parking

The car parking provision is in two elements, that associated with the residential accommodation and that associated with the proposed hotel use. The majority of the car parking provision associated with the apartments, for forty cars is intended to be in an under ground car park accessed off Edward Street. I consider this to be the most appropriate means of providing the necessary amount of car parking without completely swamping the above ground areas. There will also be space in the underground car park for three motor cycles and an unspecified number of bicycles.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

Surface level car parking is proposed on the area of land between the proposed flats and St Helen's House, in front of the Pearson Building. This is similar to the area that has been used for car parking in the past and should provide 9 parking spaces for residents and 20 hotel related parking spaces. This would be accessed off King Street and will for the main part be concealed from public view behind a boundary wall.

The level of car parking provision is slightly higher than suggested in the Highways Authority's guidance for the Central Area of Derby. However the Highways Authority considers this to be acceptable. It is considered that any overspill car parking that may be associated the hotel element of the proposal is likely to take advantage of nearby public car parks, particularly the multi-storey car park on Chapel Street.

Arboricultural Considerations

Policy E9 states that planning permission will not be granted for development which would seriously damage, destroy, or compromise or compromise the long term retention of individual trees, groups of trees or areas of woodland which contribute to the amenity of an area.

The application site has a number of substantial trees along its western side close to the boundary with King Street and along its shorter southern side, facing towards the inner ring road, St Alkmunds Way. As the trees lie on council owned land, it has not so far been considered necessary to impose a Tree Preservation Order on these trees although they are certainly worthy of retention. It is intended that all but one of these trees be retained. The one shown for removal lies at the north western most corner of the site close to the junction of King Street and Edward Street. This is a mature lime tree of about 8 metres in height and is considered by the applicant's arboricultural officer to be in condition class 2, with a scale that runs from class 1 for best trees with no significant defects, to class 4, unsuitable trees. Class 2 trees are considered to have minor defects but still suitable for retention as individual trees.

The proposed footprint of the apartments lies across the position of this tree. It would have to be removed to accommodate the apartments. With the site layout and design of apartments that is proposed it would be unrealistic to require the repositioning of the proposed apartments in order to retain the tree. Although this is unfortunate I consider this to be an acceptable loss if helps to facilitate the restoration of St Helen's House.

The Arboricultural Officer has drawn attention to the relationship between a further two trees and the proposed apartments. These two trees identified as T11, and T12, two horse chestnut trees each about

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

15 metres in height, would lie in close proximity to the apartments. At a height of 15 metres the trees would reach up as far as the 3rd floor of the apartments. The intended proximity of the proposed apartments to these two horse chestnut trees is such that the outlook from the apartments and the heavily shading that is likely to fall across the closest apartments is likely to lead to pressure to prune these trees once the apartments are built and occupied. Such pressure may be difficult to resist once the flats are occupied as it is important to ensure living conditions for residents are reasonable.

The applicant's arboricultural consultant makes the following comments with regard to all four horse chestnut trees on the site.

“ All four horse chestnut trees will require some crown reduction within the next five years or so, and at interval thereafter in order to keep them adequately safe for their location next to a very busy main road and their likely further safe life expectancy is probably no more that 30 years.’ I consider that if the crown reduction of these trees is likely to be necessary in the near future on safety grounds this could happily coincide with any future request to crown reduce the trees on amenity grounds.

If planning permission were to be granted for this proposal it would be necessary to impose condition requiring a full working method statement and a tree protection plan to ensure the protection of the trees during the course of construction.

Wildlife considerations

Policy E7 for protection of habitats states that development which would materially affect site supporting wildlife species protected by law will only be permitted where proposals are made to minimise disturbance to and to facilitate the survival of the affected species on the site or an offer of the creation of alternative habitats is made.

The only likely element of wildlife interest of concern that may be related to this site would be bats that may be roosting in any of the buildings and which may be disturbed during demolition of buildings or when building works are carried out.

A bat survey was submitted along with the original application, which revealed no current or previous internal or external evidence of bat roosting activity in any of the buildings.

Similarly no evidence of barn owl activity was noted. Derbyshire Wildlife Trust have commented on these findings and have recommended that prior to the granting of planning permission a further daytime bat survey of all the buildings to be affected should be

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

completed during the bat active season (April – October) and that an evening and dawn bat survey is also completed to try more fully to determine the presence or absence of bats on the site.

Guidance in the circular to PPG 9, states that “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.” Although being aware of this advice I do consider it to be somewhat unrealistic. It implies that where there is even a remote possibility that bats may be present, no planning decisions should be made without an up to date bat survey undertaken between April and October of the year that the application is being considered.

In my opinion any protection that may be afforded to bats by this approach would be completely negated if the building works did not commence within the same year and this seems to imply that planning decisions should all be deferred to an appropriate time of the late spring to early winter. I don't consider it to be reasonable to defer a decision simply to await a further bat survey to be undertaken between April and October. The correct approach in my view is to attach appropriate conditions to any permission that may be granted requiring further bat surveys at the appropriate time of year prior to works being commenced and to have a similar survey immediately prior works are being commenced. Certain wildlife including bats benefits from the protection afforded by the Wildlife and Countryside Act which is the most appropriate means of ensuring that bats are protected and their habitats not disturbed. It is my view that concerns for the presence of bats have been given reasonable consideration but that the full protection would be achieved by the imposition of appropriate conditions on any planning permission that may be granted

Archaeological considerations

Policy E21 states that planning permission will not be granted for development that will adversely affect nationally important archaeological remains and where such remains or their settings may only be of local significance then if they are likely to be adversely affected by development physical preservation in situ will be the preferred option and applications may be refused. Within the Archaeological Alert Areas or other areas of archaeological potential where the City Council consider that a proposed development will affect remains of archaeological significance applicants will be required to provide the results of an archaeological evaluation before the planning application is determined in order to enable an informed and reasonable planning decision to be made.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

The Derbyshire County Development Control Archaeologist comments are that if the sympathetic long term future of St Helen's House is only achievable with the demolition of the curtilage buildings then the loss of building could be considered an acceptable concession. He recommends a condition be attached to any permission that may be granted to record the existing buildings to mitigate their loss and the impact of alterations on the buildings to be retained.

The submitted architectural and archaeological analysis fails to consider below ground archaeological potential of the site and it is reason to suspect the possibility that there may be potential for the survival of medieval archaeology on the site. The presence of the cut and cover railway tunnel across the northwest corner of the site is also of some industrial archaeological interest. It is recommended that an archaeological field evaluation be carried out of those areas to be subject to significant ground impacts. The County Archaeologist has not suggested that an archaeological evaluation needs to be submitted prior to the determination of the application. I am therefore satisfied that this could be secured by planning condition. Subject to appropriate conditions being attached to any permission that may be granted; no objections have been raised to the proposal on archaeological grounds.

Amenity Consideration The proposed new build town houses and apartments will have a significant impact on the amenity of neighbouring residents. The most affected will be those residents that live in the 9 apartments immediately adjoining the proposed town houses on Edward Street. The proposed crescent terrace will have an enclosing affect on these apartments and the 4.5 storey height obstruct daylight and direct sunlight from the south facing windows of these dwellings from around mid day onwards in the winter time the amount of daylight will be restricted, despite the proposal being further than the minimum separation distance away, as given in the councils space between buildings guideline. A Sun Path Study submitted with the application shows that there should not be and significant loss of direct sunlight in mid summer. In September the level of overshadowing would begin to affect the ground floors of Alkmund Court around mid day and other dwellings on Arthur Street by 2:00pm. In mid December Alkmund Court would be in greater shadow than the current situation from 11 am. With properties on Arthur Street also affected.

The south facing elevation of the proposed new town houses on Edward Street will be in shadow most of the time.

The separation distances between the proposal and existing neighbouring dwellings has been designed to maintain the minimum distance between habitable room windows between the new apartments and those on Alkmund Court although this distance is

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

maintained the 4.5 storey height would mean that there would be quite a number of habitable room windows capable of having views towards those in St Alkmund Court and this could give a significant perception of being over-looked, to residents in Alkmund Court, despite the distances between being in accordance with the guidelines.

Within the application site itself the relationship between the apartments and the Town Houses is not as satisfactory and the separation distances between habitable room windows in the apartments and those in the rear elevation of the town houses is below the minimum at around 7 metres, albeit that the windows do not face each other directly. The number of them proposed could make the proposed town houses overlooked with little privacy.

I consider that this is an occasion when the acknowledged benefits that would result from the reuse and repairs to a significant listed building may be considered to over ride other amenity considerations.

Section 106 Requirements

A scheme of this type and magnitude, particularly with regard to the residential element would normally attract a requirement for section 106 contributions for highways improvements, affordable housing etc. In a case such as this, however where the intention is to fund the repairs, maintenance and conversion of a very important listed building by the construction of enabling development, the imposition of costly section 106 requirements would simply erode the profitability of the development and reduce the amount of profit realised by the development thus undermining the level of contribution for the restoration of St Helen's. To recoup that shortfall would require even more enabling development which would have greater negative implications because of the increase in size and scale of the development that would be required. It is therefore recommended that the normal section 106 contributions should be waived in this case.

A section 106 agreement will be required however to ensure that the change of use, conversion and repair and restorative works to St Helens House are implemented along with the enabling development.

Conclusion

The proposal to convert St Helen's House and the Pearson Buildings into a Hotel meets with policy consideration for the type of use proposed and locationally it would be appropriate in concentrating such uses close to the City Centre and the visitor attractions that this provides.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

The use would accord the Council's own preferences to reuse the Buildings in a way that would allow some degree of public access, but be sensitive to the architectural and historic interests of the buildings, and the conservation measures that are proposed should provide positive benefits for the two buildings particularly for St Helens House which will benefit from a maintenance and repairs regime without suffering and significant external or internal alterations.

It is unfortunate that the Victorian Chapel and the Chemistry laboratory class rooms need to be demolished to provide sufficient vacant land to accommodate the amount enabling development that is necessary to generate the funds to support the conversion and conservation of St Helens House. It is understandable that the Victorian Society have objected to the removal of the chapel and this is one of the major concerns also of the Georgian Group and Conservation Area Advisory Committee, however I consider that the financial appraisal make it sufficiently clear that without the extra land being made available for enabling development, the works required to bring St Helen's house back into use would not be financially viable. I do therefore consider that the proposals should be approved in this case.

11. Recommended decision and summary of reasons:

11.1 DER/06/08/00852

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 and to authorise the Director of Corporate Services to enter into such an agreement.

B. To authorise the Assistant Director – Regeneration, **to grant** planning permission on the conclusion of the above agreement, 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 at 9 above. It is considered that the conversion of listed buildings to hotel, demolition of protected curtilage buildings and redevelopment of the site with residential apartments, town houses and the residential conversion of listed buildings is acceptable and justifiable through the wider benefits that would result from the active conservation and re-use of the Grade 1 listed building of St Helen's House and associated retained listed buildings, and the enhancement of the Strutts Park Conservation Area and the appearance of the local streetscene.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

11.3 Conditions

1. Standard condition 09a. Amended drawings.
2. Further details of any pipe runs, flues and vents, extracts and air conditioning units that may be required in implementation of the Change of Use and conversion of St Helens House and the Pearson Building to a Hotel shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
3. Further large scale drawings, including sections, of all new joinery features, that may be required in implementation of the Change of Use and conversion of St Helens House and the Pearson Building to a Hotel, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
4. A method statement for the making good of internal walls where partitions are to be removed required in implementation of the Change of Use and conversion of St Helens House and the Pearson Building to a Hotel, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission..
5. Samples of the bricks to be used for making good the external walls of St Helens House and the Pearson Building shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
6. Samples of the copings to be used for making good of the existing copings shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
7. Samples of new or reclaimed slates to be used shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
8. Large scale drawings of a sample section of the railings, including 1:1 scale drawing of the finials, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

9. Large scale drawing of the proposed pedestrian gate, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
10. Samples of coping and pier capstones to new front boundary wall sections shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
11. Detailed drawings of new ramped entrance and materials to be used, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
12. A detailed method statement for the removal of the modern roof lights and detailed drawings and materials specification of the new roof timbers in St Helens' House shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
13. Detailed drawings of the method of construction and details of the proposed materials to be used in the construction of the new staircase in the Pearson Building Pearson, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
14. A detailed method statement for the removal of part of the staircase in the Pearson Building and making good of walls shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
15. The occupation of the development authorised by this permission shall not begin until 2 x 2 metre visibility splays have been provided on the highway boundary on both sides of the access with no obstruction within the splays higher than 0.6 metres above ground level and shall be maintained as such at all times.
16. The development shall not be occupied until the vehicular accesses, forecourt and car parking areas have been surfaced with a hard bound material.
17. The gradient of the vehicular access onto Edward Street shall not exceed 1:10 for the first 5 metres behind the highway boundary.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

18. The development shall not be occupied until full details of the waste recycling storage facilities have been submitted to and approved in writing by the Local Planning Authority.
19. The development shall not be occupied until details of secure integral cycle storage provision has been submitted to and approved in writing by the Local Planning Authority, and the agreed cycle-parking provision is implemented and available for use.
20. No development shall take place until the applicant or their successor in title has secured the implementation of a programme of archaeological buildings recording in accordance with a written scheme of investigation (WSI) submitted by the applicants and approved in writing by the Local Planning Authority.
21. No development shall take place until the applicant or their successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) submitted by the applicant and approved in writing by the Local Planning Authority.
22. During the period of construction works, all trees hedgerows and other vegetation to be retained, including any which are on adjoining land but which overhang the site, shall be protected in accordance with BS:5837:1991 ("Trees in relation to construction") To that end before any works are commenced, including any demolition works, an Arboricultural Method Statement for the works near to the trees to be retained and a Tree Protection plan, as suggested in the applicants submitted arboricultural report, shall be submitted to and approved in writing with the Local Planning Authority. Any details that may be agreed shall be implemented in the execution of this permission.
23. Standard condition 20 ... approval of a landscaping scheme.
24. Standard condition 21... Implementation of landscaping scheme.
25. Standard condition 68... Disabled peoples provision,
26. Standard condition 100... Contamination
27. Before any development is commenced a scheme for protecting the future residents and guests from noise from King Street and St Alkmund's Way shall be submitted to and approved in writing by the Local Planning Authority. The works that are required to

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

protect each individual element of the proposed development shall be completed before that element of the development is occupied.

28. Before any development is commenced, including demolition of the existing building: a survey of roosting bats and the potential for roosting bats in existing buildings shall be undertaken between June and August immediately preceding the commencement of development. This shall be in the form of emergence/roost survey to determine the exact nature of bat presence on site. Depending on the results of the survey: necessary measures to protect the species through mitigation proposals shall be submitted to and agreed in writing by the Local Planning Authority all such agreed measures shall be implemented in their entirety. A DEFRA licence shall be secured to legitimise destruction of any bat roost
29. Standard condition 27 modified to read... Notwithstanding the details of external materials submitted with the application, details of all external materials shall be submitted to and be approved in writing by the Local Planning authority before any works is commenced.
30. Standard condition 38... Disposal of sewage.
31. Standard condition 104 amended to read... The construction of the new build apartments and town houses shall have full regard etc....

11.4 Reasons

1. Standard reason E04... avoidance of doubt.
2. Standard reason E40... In order to safeguard the character and integrity of the listed building in accordance with policy E19 of the CDLPR.
3. Standard reason E40... In order to safeguard the character and integrity of the listed building in accordance with policy E19 of the CDLPR.
4. Standard reason E40... In order to safeguard the character and integrity of the listed building in accordance with policy E19 of the CDLPR.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

5. Standard reason E40... In order to safeguard the character and integrity of the listed building in accordance with policy E19 of the CDLPR.
6. Standard reason E40... In order to safeguard the character and integrity of the listed building in accordance with policy E19 of the CDLPR.
7. Standard reason E40... In order to safeguard the character and integrity of the listed buildings in accordance with policy E19 of the CDLPR.
8. In order to safeguard the character and integrity of the listed buildings and the Strutt's Park Conservation Area in accordance with policies E18...Conservation Areas, and E19 of the CDLPR.
9. In order to safeguard the character and integrity of the listed buildings and the Strutt's Park Conservation Area in accordance with policies E18...Conservation Areas, and E19 of the CDLPR.
10. In order to safeguard the character and integrity of the listed buildings and the Strutt's Park Conservation Area in accordance with policies E18...Conservation Areas, and E19 of the CDLPR.
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12. Standard reason E40... In order to safeguard the character and integrity of the listed buildings in accordance with policy E19 of the CDLPR.
13. Standard reason E40... In order to safeguard the character and integrity of the listed buildings in accordance with policy E19 of the CDLPR.
14. Standard reason E40... In order to safeguard the character and integrity of the listed buildings in accordance with policy E19 of the CDLPR.
15. The interests of pedestrian safety.
16. To reduce the possibility of deleterious materials being deposited on the highway and to ensure that adequate car parking and servicing provision are made to reduce the likelihood of the proposed development leading to on-street parking problems in the area.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

17. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
18. To ensure that adequate facilities are provided for operatives to carry out kerbside Waste Recycling collection in a safe and efficient manner without causing conflicts with other highway users.
19. To ensure that adequate facilities are provided for the safe storage of cycles and to encourage use of a sustainable mode of transport.
20. To ensure that the historic, archaeological and architectural interest of the buildings and the site are properly investigated and adequately recorded in accordance with policy E24 of the adopted City of Derby Local Plan Review.
21. To determine the location, extent and survival of any remains archaeological remains and to enable the preparation, of a strategy to mitigate the effect of the development on such remains and in accordance with policy E24 of the adopted City of Derby Local Plan Review.
22. Standard reason E24 ... protection of trees... in accordance with CDLPR Policy E9.
23. Standard reason E10... to safe guard and enhance the visual amenities...in accordance with CDLPR policy E17.
24. Standard reason E10... to safe guard and enhance the visual amenities...in accordance with CDLPR policy E17.
25. Standard reason E34... disabled people's provision. In accordance with CDLPR policy T10
26. Standard reason E49... in the interests of public health and safety ... in accordance with CDLPR policy E13
27. To provide good living conditions and to protect the health and amenity of residents and visitors in accordance with CDLPR Policy GD5.
28. To ensure that the existence of any bat roost at the site is fully investigated and that there is minimal disturbance and protection of this protected species in accordance with the principles of

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

Planning Policy Statement 9 - Nature Conservation CDLPR policy E9.

29. Standard reason E14 in accordance with CDLPR Policies GD4 and E23...Design,
30. Standard reason E21... to ensure satisfactory drainage in accordance with CDLPR policy GD3

11.5 S106 requirements where appropriate: Agreement will need to be reached to ensure the implementation of the hotel conversion and conservation of St Helen's House and associated listed buildings, and should be related to a phasing agreement for the new residential development elements of the scheme. The phasing shall be in line with the Conservation Management Plan.

11.6 DER/06/08/00853 - To authorise the Assistant Director – Regeneration, to refer the application for listed building consent to the Secretary of State with the advice that the City Council is minded **to grant** consent with appropriate conditions.

11.7 Conditions

1. Standard condition 09a. Amended drawings (on the attached schedule).
2. Further details of any pipe runs, flues and vents, extracts and air conditioning units that may be required in implementation of the Change of Use and conversion of St Helens House and the Pearson Building to a Hotel shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
3. Further large scale drawings, including sections, of all new joinery features, that may be required in implementation of the Change of Use and conversion of St Helens House and the Pearson Building to a Hotel, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
4. A method statement for the making good of internal walls where partitions are to be removed required in implementation of the Change of Use and conversion of St Helens House and the Pearson Building to a Hotel, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

5. Samples of the bricks to be used for making good the external walls of St Helens House and the Pearson Building shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
6. Samples of the copings to be used for making good of the existing copings shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
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7. Samples of new or reclaimed slates to be used shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
8. Large scale drawings of a sample section of the railings, including 1:1 scale drawing of the finials, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
9. Large scale drawing of the proposed pedestrian gate, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
10. Samples of coping and pier capstones to new front boundary wall sections shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
11. Detailed drawings of new ramped entrance and materials to be used, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
12. A detailed method statement for the removal of the modern roof lights and detailed drawings and materials specification of the new roof timbers in St Helens' House shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.
13. Detailed drawings of the method of construction and details of the proposed materials to be used in the construction of the new

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

staircase in the Pearson Building Pearson, shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.

14. A detailed method statement for the removal of part of the staircase in the Pearson Building and making good of walls shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced on the implementation of this permission.

11.8 Reasons

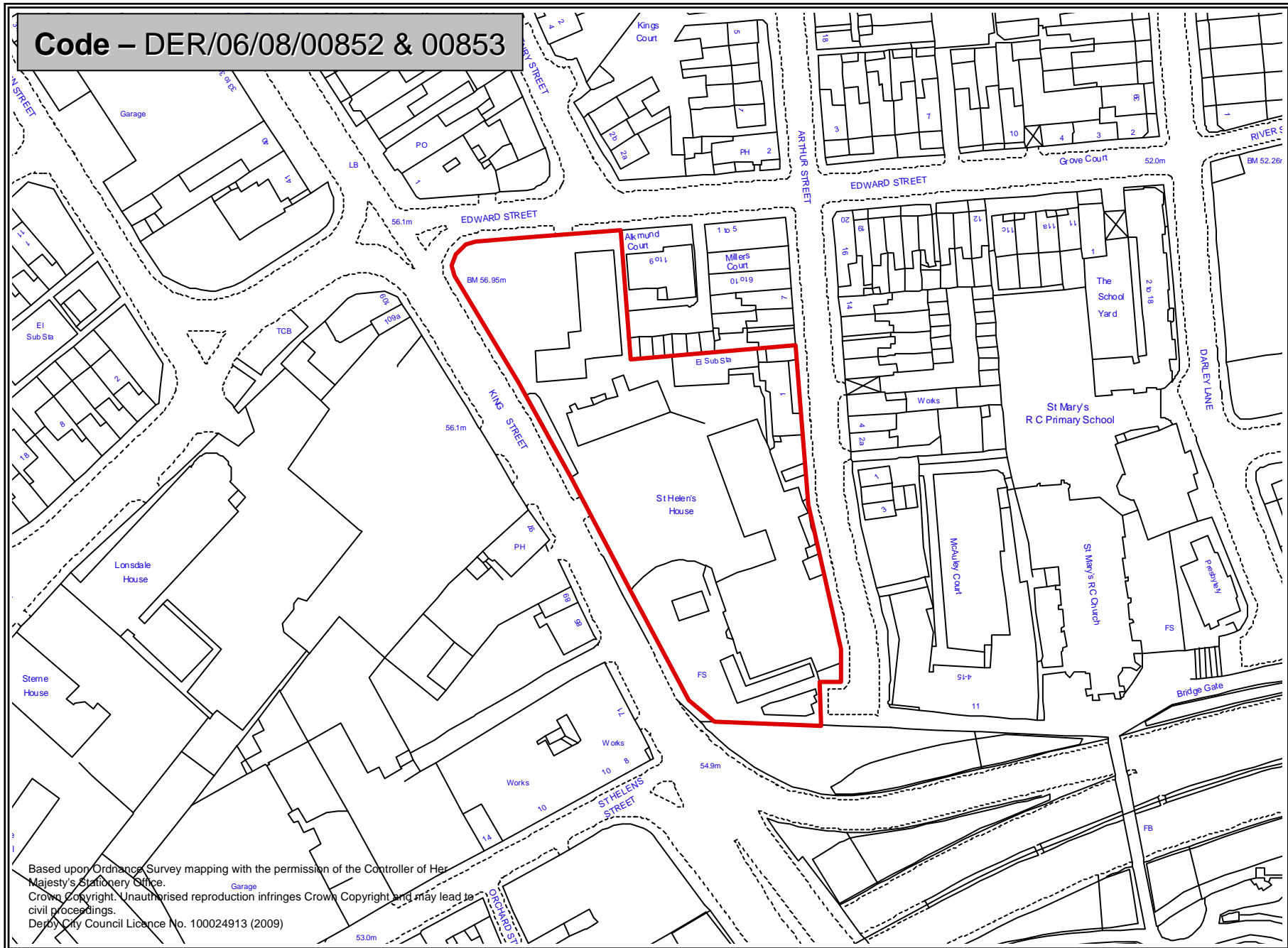
1. Standard reason E04... avoidance of doubt. The
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8. In order to safeguard the character and integrity of the listed buildings and the Strutt's Park Conservation Area in accordance with policies E18...Conservation Areas. And E19 of the CDLPR.
9. In order to safeguard the character and integrity of the listed buildings and the Strutt's Park Conservation Area in accordance with policies E18...Conservation Areas. And E19 of the CDLPR.

B1 APPLICATIONS (cont'd)

7 Code No: DER/06/08/00852

10. In order to safeguard the character and integrity of the listed buildings and the Strutt's Park Conservation Area in accordance with policies E18...Conservation Areas. And E19 of the CDLPR.
11. In order to safeguard the character and integrity of the listed buildings and the Strutt's Park Conservation Area in accordance with policies E18...Conservation Areas. And E19 of the CDLPR.
12. Standard reason E40... In order to safeguard the character and integrity of the listed buildings in accordance with policy E19 of the CDLPR.
13. Standard reason E40... In order to safeguard the character and integrity of the listed buildings in accordance with policy E19 of the CDLPR.
14. Standard reason E40... In order to safeguard the character and integrity of the listed buildings in accordance with policy E19 of the CDLPR.

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