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Planning Control Committee 19 March 2009

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B1 APPLICATIONS

1 Code No: DER/06/08/00944

Type: Full

1. **Address:** Land adjacent to 50 – 52 Hartington Street
2. **Proposal:** Erection of 12 bedroomed sheltered housing accommodation with wardens flat. (Renewal of planning permission)
3. **Description:** This is an application for the renewal of an unimplemented planning permission that was first granted permission by Committee in October 1993. The permission has been renewed on two previous occasions, once in 1998 and once in 2003. On both of these occasions the renewal of permission was granted under delegated powers. The proposal is being reported to this committee following the receipt of two letters of objection and a request to do so by ward member Farhatullah Khan.

The current application is almost identical to the previous 3 applications. I shall describe where there are minor changes below.

The application site is on land immediately to the west of the existing building at 50-52 Hartington Street just within the western boundary of the Hartington Street Conservation Area. The adjoining site to the west is occupied by a hostel that was built as a homeless person's hostel following the granting of planning permission in January 1990.

The proposal is for the erection of a three storey building to provide sheltered accommodation for elderly people. It would include 12 bedrooms for residents and a warden's flat.

On the ground floor would be:

- A two bedroomed warden's flat with independent kitchen and bathroom and living room.
- A clinic, communal television lounge, dining room, kitchen, office, laundry, toilets and store.

On the first floor would be: 7 bedrooms, two with en-suite facilities and the other 5 sharing 2 communal bathrooms and a separate toilet.

On the second floor would be 5 bedrooms sharing 2 communal bathrooms and a separate toilet.

When planning permission was first granted for this proposal 50 and 52 Hartington Street were being used as sheltered housing for the elderly.

The original 1993 proposal intended that the new build element would be used in conjunction with the existing sheltered accommodation use

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in 50-52 Hartington Street. The new building would be abutting the existing buildings at 50-52.

It was also intended that a new vehicular access would be created from Leonards Walk, in to the rear of the site, and the land at the rear was to have accommodated 7 car parking spaces in the combined rear garden area of 50 and 52 Hartington Street and the new proposed building. The parking provision has been reduced to 5 in the current proposal.

The proposed building would be 3 stories high at the front and almost fill the width of the frontage of the vacant plot. The rear elements would be tiered down from three stories to two and then eventually to a single storey at the extreme rear of the building. The rear elements are reduced to approximately one third of the plot width.

The front of the building would be set back about 4.5 metres from the highway boundary, in line with the set back defined by the other buildings in the street.

Overall the building would extend rearwards by about 26.5 metres.

4. Relevant Planning History:

DER/06/87/00703 - Use of premises as residential home for the elderly. Granted with conditions 11/9/87 (50-52 Hartington Street).

DER/11/89/1970 - Erection of a hostel. Granted with conditions 29/1/90 (56 Hartington Street).

DER/11/90/01621 - Change of use to guest house. Granted with conditions 25/1/91 (50-52 Hartington Street).

DER/10/92/01124 - Erection of 12 bedroomed sheltered housing accommodation with wardens flat. Refused 8/4/93 (50-52 Hartington Street).

DER/07/93/00955 - Erection of 12 bedroomed sheltered housing accommodation with wardens flat. Granted with conditions 7/10/93 (50-52 Hartington Street).

DER/09/98/01127 - Erection of 12 bedroomed sheltered housing accommodation with warden's flat (renewal of permission). Granted with conditions 19/10/98 (50-52 Hartington Street).

DER/08/99/00959 - Change of use to nursery/ primary school. Granted with conditions 20/10/99 (50-52 Hartington Street).

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1 Code No: DER/06/08/00944

DER/01/02/00136 - Change of use to house in multiple occupation. Withdrawn 8/5/02 (50-52 Hartington Street).

DER/06/03/01009 - Erection of 12 bedroomed sheltered housing accommodation with warden's flat (renewal of permission). Granted with conditions 25/07/03 (50-52 Hartington Street).

5. Implications of Proposal:

5.1 Economic: none.

5.2 Design and Community Safety: The proposed scheme effectively follows the style of the Hartington Street terrace and would make a positive impact in the streetscene and would enhance the appearance of the Conservation Area.

5.3 Highways: There are no highways objections subject to similar conditions being attached to this proposal as were attached to earlier approvals, and subject to reasonable section 106 contributions being required for highway corridor improvements.

5.4 Disabled People's Access: One disabled persons parking bay should be designated. The building's accessibility will be controllable through Building Regulations guidance.

5.5 Other Environmental: none.

6. Publicity:

Neighbour Notification letter	61	Site Notice	
Statutory press advert and site notice	Yes	Discretionary press advert and site notice	
Other			

7. Representations:

Two letters of representation have been received from neighbouring residents. In summary the objections are as follows:

- That there are already (social) problems in Hartington Street, including drugs, crime and alcohol abuse amongst other things and mainly associated with Trocadero Court and Hartington House. Building sheltered accommodation in close proximity to these would only add to the problems.

B1 APPLICATIONS (cont'd)

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- It is questioned whether it is appropriate to site a facility for sheltered accommodation, which is usually for vulnerable people, next to a bail hostel.
- The proposals are contrary to the regeneration strategy for Hartington Street.
- The proposed new building will not fit with the character of the rest of Hartington Street.

... Copies of these letters are reproduced.

8. Consultations:

Conservation Area Advisory Committee - raised no objection to the general design but considered that the roof pitch was too shallow and expressed a wish to see the use of natural slate rather than man made slate that was indicated on the plan. (These views are the same as the ones that the committee expressed when the application was first presented to them in 1993.)

The Derbyshire County Archaeologist - raises no objections and was satisfied that the proposed development did not threaten the archaeological interest in the area.

Police Architectural Liaison Officer - draws attention to the recent history of the Hartington Street Area describing it as a high deprivation, high crime and high fear of crime location. The area is undergoing change for the better and to find an application for another bed-sit type hostel is seen as a step backwards.

The area does not need another problematic multi-occupation bed-sit, residential institution.

9. Summary of policies most relevant: The following CDLPR Policies are applicable in this case.

- GD4 - Design and Urban Environment
- GD5 - Amenity
- H13 - Residential development – General Criteria
- E10 - Renewable Energy
- E17 - Landscaping schemes
- E18 - Conservation Area
- E21 - Archaeology
- E23 - Design
- E24 - Community safety
- T4 - Access, parking and servicing

B1 APPLICATIONS (cont'd)

1 Code No: DER/06/08/00944

- T7 - Provision for cyclists
- T10 - Access for disabled people

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

- 10. Officer Opinion:** As this is an application for renewal of planning permission the presumption must clearly be to renew that permission unless there has been a material change in planning circumstances since it was previously approved. For example if there has been a change in relevant planning policy or a material change in the physical circumstances in the surrounding area.

I don't believe that any material changes have taken place since permission was last granted, that would now lead me to reverse the recommendation and recommend refusal.

The details of the actual development are the same as previously approved, with the exception of a minor amendment to correct an anomaly on the submitted drawings and a reduction by two in the number of car parking spaces that are to be provided. The details have already been assessed by the Conservation Area Advisory Committee on each occasion that a renewal of permission has been sought and with the exception of their comment with regard to the roof they have raised no objection to the appearance of the proposal. The original planning application was reported to the Committee in 1993 when all of the issues were considered and planning permission granted.

Although there are serious levels of deprivation in the locality this has not been seen as a reason to refuse planning permission in the past even though the two properties mentioned by residents, Trocadero Court and the hostel at Hartington Court, were already operating when the original planning permission was granted.

There have been no details submitted with the current application to confirm whether there has been any change to the type of sheltered housing intended to be provided or what group of people would be accommodated. I hope that the applicant will have confirmed this by the time of the meeting. Otherwise It can only be assumed that is still intended to be for sheltered elderly accommodation. In view of the length of time that permission has been extant and unimplemented, I suspect that there is no actual end user in mind, and that the application is made simply to keep the permission live and preserve the development value of the land.

It is a long standing practice of the Council when determining applications for residential development of this type, not to be selective

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over who the future occupants may be, or to engage in any sort of “social engineering” through the planning process. I can see no reason to depart from this practice in this case.

In conclusion I can see no reason to withhold the renewal of planning permission in this case.

11. Recommended decision and summary of reasons:

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

B. To authorise the Assistant Director – Regeneration **to grant** planning permission on the conclusion of the above agreement, with conditions

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated at 9 above and is considered to be an appropriate use in the area which should enhance the appearance of the conservation area and should not result in any significant loss of amenity to adjoining residents.

11.3 Conditions

1. Standard condition 09a (Amended plans drawing number HA/Hart/1A received 13 January 2009...omit ‘solely’ from wording of condition.
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 unless the Local Planning Authority gives written consent to any variation.
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. The details of any landscaping scheme that may be agreed shall be adhered to in the implementation of this permission unless the Local Planning Authority gives written consent to any variation.

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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.
5. Notwithstanding the details of any external materials that may have been submitted with the application, before any development is commenced, full details of all external materials shall be submitted to and be approved in writing by the Local Planning Authority. Any materials that may be agreed shall be used in the implementation of this permission.
6. 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 accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. Any details that may be agreed shall be adhered to in the implementation of this permission. Those areas so laid out shall not thereafter be used for any other purpose, unless otherwise agreed in writing with the Local Planning Authority
7. Prior to the commencement of development , precise elevational drawings at a scale of 1:50 and precise drawings of all architectural detailing and features at a scale of 1:20 shall be submitted to approved in writing by the Local Planning Authority. Any details that may be agreed shall be adhered to in the implementation of this permission.
8. A disabled persons parking space shall be provided, in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to occupation of the building. Any details that may be agreed shall be adhered to in the implementation of this permission.
9. Before any development is commenced full details of the design of the vehicular access onto Leonards Walk shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented.

11.4 Reasons

1. Standard reason E04

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2. To preserve the amenities of the area...Policies (A8/E23)
3. To safeguard and enhance the visual amenities of the area ...Policies (E17/E23)
4. To safeguard and enhance the visual amenities of the area...Policies (E17/E23)
5. Standard reason E14...Policies (E18/E23)
6. To accommodate the parking and manoeuvring requirements of the development and to minimise the danger, obstruction and inconvenience to users of the site and the highway...Policy (T4)
7. To ensure that the detailed appearance of the development is appropriate in the Conservation Area...Policies (E18/E23)
8. To ensure the provision of disabled person's parking facilities...Policy (T10)
9. In the interests of the safe and free flow of traffic and highway safety...Policy (T4)

11.5 S106 requirements where appropriate: Highway contributions, incidental open space, public realm and lifetime homes.

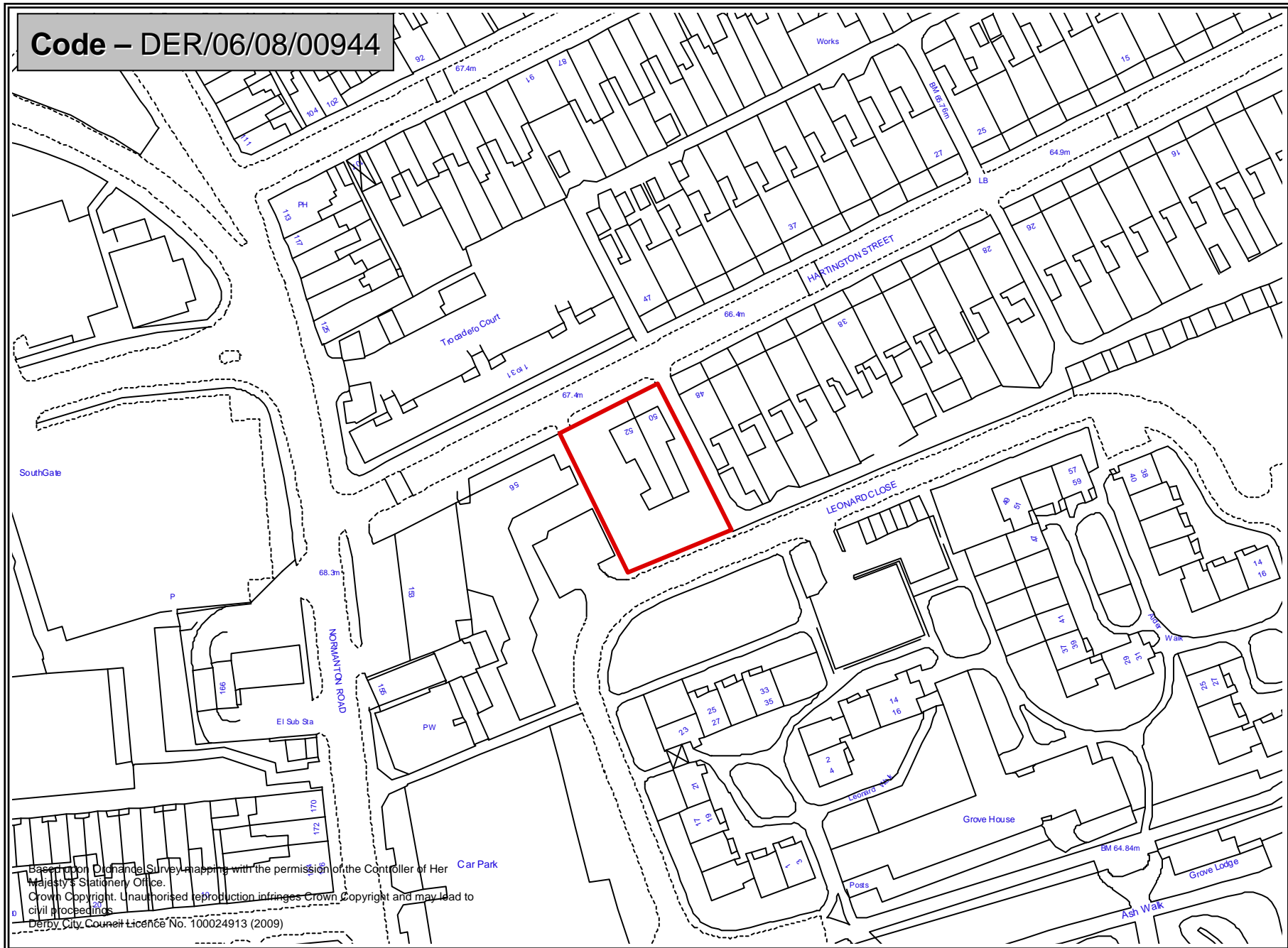
Notes to applicant

The following advice has been given by the Police Architectural Liaison officer which you may wish to incorporate into the scheme when it is implemented.

The design would benefit greatly from a highly visible front door entry point and iron railing enclosure to remove the possible unauthorised access point. If this is not possible then side entry and main door CCTV monitoring is essential.

Good quality physical security specifications are paramount in this high crime area. Individual internal flat doors and locks should be as good as those on the external doors, to prevent easy forced access as is prevalent in this area. The minimum standard is PAS24. Details can be obtained at www.securedbydesign.com

Code – DER/06/08/00944



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B1 APPLICATIONS (cont'd)

2 Code No: DER/01/09/00093

Type: Outline
(including all
Matter except
except
landscaping
details

1. **Address:** Land to rear of 156 Station Road, Mickleover
2. **Proposal:** Erection of detached dwelling house and garage
3. **Description:** 156 Station Road is located on the west side of Station Road, south of its junction with Ladybank Road. The area is predominately residential in character although the existing property at no. 156 is used as a chiropractic clinic.

This application relates to the land to the rear of the clinic and permission is being sought for subdivision of the plot and the erection of a single detached dwelling on the land to the rear of the site. Although outline planning permission is being sought, only the landscaping details have been reserved for approval at a later date and the details relating to the access, appearance, layout and scale of the development are all to be considered as part of this application.

A one and a half storey detached dwelling is proposed on the site that has the appearance of a bungalow with a deep pitched roof in order that rooms can be accommodated within the roof space. The proposed dwelling would sit towards the rear of the site, some 10 metres from the rear site boundary and some 2.4m from the boundary that the site shares with Ladybank Road. Access to the site would be achieved between Nos. 154 and 156 Station Road. A hipped roof double garage would be positioned alongside, but towards the rear of the neighbouring property, 154 Station Road.

156 Station Road would continue to be used as a clinic and the area to the front of the property is used as a car park. 154 Station Road is a two storey dwelling house. Directly to the north of the site is an area of highway land that contains a large group of mature street trees and the pedestrian footway.

4. Relevant Planning History:

DER/10/07/01934 – Residential Development (one dwelling house) – refused on the following grounds:

‘In the opinion of the Local Planning Authority, the proposed development would create a particularly poor living environment for future residents of the dwelling lacking in sufficient light and increasingly

B1 APPLICATIONS (cont'd)

2 Code No: DER/01/09/00093

dominated by the close proximity of large trees situated on land outside of the applicants control. The proposal is therefore contrary to the provisions of policies E23, GD5 and H13 of the adopted City of Derby Local Plan Review.'

A subsequent appeal lodged against this decision was dismissed October 2008. The inspector questioned whether it would be possible to build that dwelling so close to the trees to the north of the site without damaging their roots and felt that the trees would reduce daylight into any windows in the north western corner of the building resulting in pressure to remove the trees in the long term. She concluded that the north corner of the dwelling would be too close to the tree within the adjoining grass verge. This would be harmful to the living conditions of future occupiers of the dwelling contrary to policy GD5, in addition to the group of trees and contrary to policy GD4(a).

DER/01/07/00089 – Residential development (one dwelling house) – refused and subsequent appeal dismissed September 2007.

DER/07/05/01171 – Change of use from residential dwelling to Chiropractic Clinic (Use Class D1) – granted September 2005.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: This application is for outline approval but as the details relating to scale, appearance and layout are to be approved, there are design issues to consider at this stage. The plans submitted with the application do demonstrate that the site can accommodate a dwelling of similar scale to existing properties in the locality and I would raise no objections to the style of dwelling being proposed, on design grounds.

The proposal would be in keeping with the residential character of the locality and in principle; I have no objections to the application on community safety grounds.

5.3 Highways: To be reported.

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

5.5 Other Environmental: This application was supported by an Arboricultural Survey Report and the Arboricultural Officers will be provided at the meeting.

B1 APPLICATIONS (cont'd)

2 Code No: DER/01/09/00093

6. Publicity:

Neighbour Notification letter	39	Site Notice	Yes
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: 12 letters of objection and 2 ward councillor objections have been received in response to this application and they will be available in the Members rooms. The nature of the objections raised relate to:

- The proposal represents inappropriate 'tandem' development and building in this location will be detrimental to the street scene
- The effect of the development on parking, visibility and access in the locality, offering a reduction in highway safety
- The lack of provision for emergency vehicles to gain access to the dwelling
- The lack of bin storage provision
- The proposal will set a precedence for similar proposals along Station Road
- The property being proposed is larger than that subject of the previous applications. The development will result in a loss of privacy for neighbours and will increase levels of noise and activity at the site offering a loss of amenity for neighbours
- Allowing the development may lead to applications being submitted for additional dwellings on the site
- The proposed dwelling having a poor relationship to the gas governor and the adjacent trees resulting in requests for future pruning
- The adjacent trees would unreasonably overbear and overshadow the new dwelling
- The proposal would offer a loss of parking for the clinic and so would conflict with the planning permission granted for its change of use to a clinic

B1 APPLICATIONS (cont'd)

2 Code No: DER/01/09/00093

- A poor relationship between properties being offered should the clinic be transferred back to residential use in the future
- There being so many vacant properties in Derby that inappropriate development such as this, should not be allowed
- This application failing to differ enough from the previous submissions to offer a different outcome
- Councillor Winter has objected to the application with concerns raised that the site is located on a busy junction and the proposal will lead to compromised highway safety
- Councillor Jones has also objected to the application in view of the tandem nature of the proposal and other reasons relating to the detail of the application.

8. Consultations:

DCommS (Arboriculture): To be reported.

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

GD3 - Flood protection
GD4 - Design and the Urban Environment
GD5 - Amenity
H13 - Residential Development – General Criteria
E9 - Trees
E10 - Renewable Energy
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: Members will be familiar with the planning history relating to this site. It has been the subject of two previous applications for outline planning permission for the erection of a single dwelling on the site. The most recent of those was reported to Members at the Committee meeting on 17 January 2008. It was resolved that permission should be refused for that application with Members raising concern that the proximity of the dwelling to the adjacent trees, would compromise its ability to offer a satisfactory living environment for future occupiers. That decision was challenged at appeal and a hearing was held in September 2008. The Inspector dismissed the appeal and noted that ‘the relationship between the tree and the house would be

B1 APPLICATIONS (cont'd)

2 Code No: DER/01/09/00093

likely to result in harm to the living conditions of the future occupiers of the dwelling.' A copy of the Inspectors decisions that were issued following the two previous appeals are enclosed, for Members information.

This application seeks to address that issue and the siting and design of the dwelling offered in this application differs to that indicated in the previous application for outline permission. In this application, the dwelling is sited 2.4m away from the site boundary with Ladybank Road which assists in providing better separation between the house and the canopy spread of the trees. This should reduce the pressure for future pruning of those trees which was a concern expressed by the Inspector, in dismissing the recent appeal. The design and internal layout of the dwelling differs to that indicated in the previous outline submission with more windows being offered in the eastern and southern elevations of the dwelling. These changes would improve the outlook from inside the building and offer less reliance on an outlook towards the north and west and the canopies of the trees.

The cumulative effect of the siting of a dwelling on this site along with the existing clinic was a concern expressed by the City Council when the first application was submitted back in 2007. However, in both previous appeals, the Inspectors have concluded that activity associated with the siting of the dwelling and detached double garage would not be sufficient to cause undue disturbance to the occupiers of no. 154 Station Road. In dismissing the most recent appeal, the Inspector did suggest that some mechanism should be put in place to prevent vehicles from driving into the garden area in the event of the garage not being built and that this could be addressed through the imposition of an appropriate condition.

The Inspector was satisfied that a new dwelling on this plot would be located a sufficient distance from neighbouring properties so as not to cause any loss of privacy. In this application, the mass of the dwelling would sit over 30m away from the windows in the rear elevation of no. 154 and careful design of its elevations have ensured that no first floor windows would face directly towards this neighbouring property. The relationship of this dwelling to no. 154 does not differ so significantly from that indicated in the previous application for me to be able to conclude that an Inspector would come to a different decision here and I am lead to conclude that the relationship between the two dwellings would be reasonable.

Given the screening that the new dwelling would be offered by the trees on Ladybank Road and given that it was noted that there was a mix of dwelling types in the area, the Inspector concluded that a new dwelling

B1 APPLICATIONS (cont'd)

2 Code No: DER/01/09/00093

in this location would not be unduly prominent when viewed from Ladybank Road neither would it be out of character with surrounding development. I have noted the concerns raised by the objectors to this application that this development would be out of character in the locality and would set a precedent for others to do the same. However this issue has now been tested twice at appeal with both Inspectors raising no objections to a dwelling in this location, on character or appearance grounds. It would therefore be unreasonable of the City Council to test such a view further as the direction of those Inspectors is a material consideration in the determination of this application.

Issues relating to access, visibility and highway safety have been raised by objectors to the application and Members will be updated at the meeting on the views of our Highway Engineers. It should be noted that in response to the two previous appeals, the Inspectors raised no objections to the schemes on highway safety grounds. The access and parking solution offered in this application remains consistent with that subject of the previous applications.

Members will appreciate that the recent planning history relating to this site has implications for the outcome of this application. In this application submission, I am satisfied that the grounds for dismissing the recent appeal have been addressed and that the dwelling subject of this application has been carefully designed in accordance with the Inspectors guidance and would offer a satisfactory living environment for its future occupiers. Accordingly, I see no reasonable grounds on which to withhold a grant of planning permission.

11. Recommended decision and summary of reasons:

11.1 To grant outline permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 above and it is considered that the proposal is acceptable and design, amenity and highway safety grounds.

11.3 Conditions

1. Standard condition 01 (reserved matters – landscaping only)
2. Standard condition 02 (approval of reserved matters)
3. Standard condition 19 (means of enclosure)
4. Standard condition 30 (surfaces to be drained)
5. Standard condition 38 (drainage)
6. Standard condition 24A (vegetation protection inc. overhanging)

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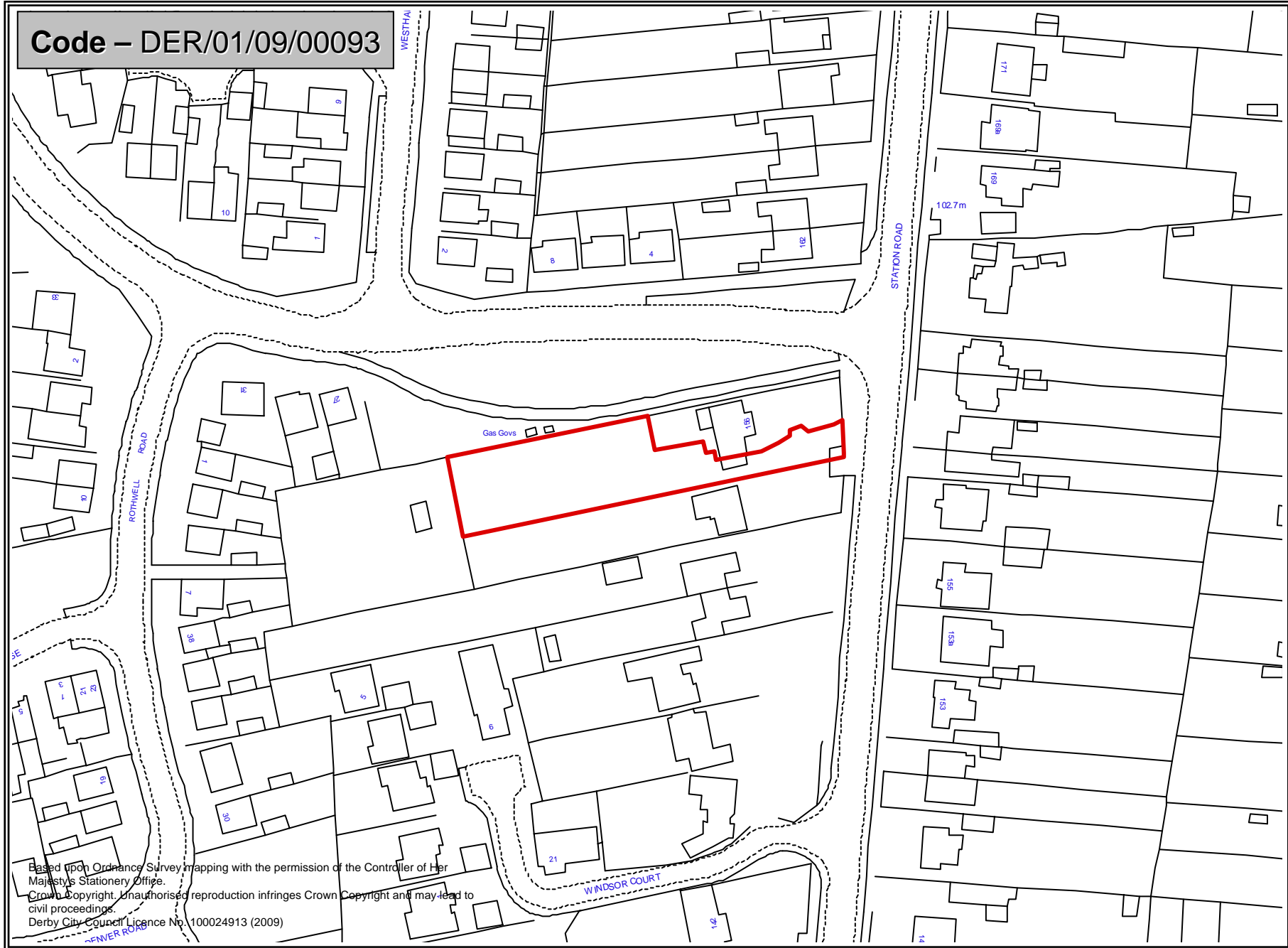
7. In the event of the garage hereby approved, not being implemented simultaneously with the dwelling house, no vehicular access shall be formed into the garden area of the new dwelling beyond the siting of the garage subject of this application.
8. Standard condition 13 (garage private use)
9. Notwithstanding the provisions of part 1, class A, class B, class C and class E of schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no enlargement or addition to the dwelling including any alteration to the roof or provision of any outbuilding within its curtilage, shall be undertaken without the prior permission in writing of the Local Planning Authority.

11.4 Reasons

1. Standard reason 01
2. Standard reason 02
3. Standard reason E09 ...policies GD4, H13 and E23
4. Standard reason E09 ...policies GD4, H13 and E23
5. Standard reason E21 ...policies GD3 and H13
6. Standard reason E24 ...policy E9
7. Standard reason E27 ...policies GD5 and H13
8. Standard reason E16 ...policy H13 and GD5
9. To preserve the amenities of adjacent residential properties and in accordance with policies GD5 and H13 of the adopted City of Derby Local Plan Review

11.5 S106 requirements where appropriate: -

Code – DER/01/09/00093



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B1 APPLICATIONS (cont'd)

3 Code No: DER/08/01640

Type: Full

1. **Address:** 174 Normanton Road
2. **Proposal:** Change of Use from retail (use class A1) to hot food take-away, (use class A5).
3. **Description:** The application premises lie on the western side of Normanton Road towards its northern end, close to the junction between Normanton Road and Belgrave Street, opposite to the Grove Street public car park. The site lies in the area designated as "The Normanton Road/Pear Tree Linear Centre" in the adopted CDLPR and forms one of the major retailing centres with the City.

The application premises is the ground floor element of a two storey unit of late 19th or early 20th century origin probably originally built as a dwelling house or possible as a shop with living accommodation over. It is a mid terraced property. The property to the immediate north is currently occupied by a hot food shop probably with living accommodation on the first floor. To the immediate south is a more modern single storey unit used as a car repairs and servicing shop.

The application premises have a shop front secured by a shutter. Above the shop unit there is accommodation on the first floor and in the roof space. It is possible that the upper floors are residential units over the shop. The applicant has declared that the premises are currently vacant at all levels.

Immediately to the rear of the application premises is an end of terrace dwelling house that fronts onto Belgrave Street.

The existing use of the premises is as a part of a motor car repairs and maintenance workshop. It is intended to change the use to a hot food take away in class A5 of the Use Classes Order and the applicant has indicated that it is intended to be a Fish and Chip shop, a type of hot food shop which he believes is under provided for at this end of Normanton Road

The application states that the shop is intended to operate between the hours of 11 am and 11 pm every day of the week and on bank holidays.

As is true of the majority of the shops in the centre, there is no on-site parking available. There is a public car park immediately opposite, although parking charges have recently been introduced at this car park.

B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01640

There are no details submitted with the application for any form of fume extraction system but the applicant advises that it is intended that one be installed.

Waste bins would be kept outside in the rear yard of the premises with access to the highway for collection though a communal access which runs along the rear of the property to meet Belgrave Street.

4. Relevant Planning History:

DER/181/95 - Workshop extension - Granted 19/3/81.

DER/381/581 - New shop front and extension to car sales area - Refused.

DER/381/582 - Display of fascia sign – Refused.

DER/1181/1452 (174 and 176 Normanton Road) - New fascia and shop sign - Granted 14/12/81.

DER/687/732 - Alterations to rear elevation - Granted 21/8/87.

DER/1193/1434 (174-176 Normanton Road) - Change of use to restaurant. Refused - 20/12/93 for the following reason:

The proposal is contrary to Policy 7.2 of the adopted Rosehill/Peartree Local Plan in that it would lead to an excessive predominance of non-class A1 (shopping) uses, the cumulative effect of which would detract from the shopping characteristics and vitality of this part of the District Centre.

The establishment of a hot food shop at these premises would be contrary to Policy HF1 of the City Council's policies for Class A3 (Food and Drink) uses and would be likely to affect adversely the amenities of nearby residential properties by virtue of the cooking smells, noise, litter, traffic generation and general activity that would result from the proposed use.

DER/1000/1354. (176 Normanton Road) Raising of roof. Granted with conditions 24/1/01.

5. Implications of Proposal:

- 5.1 Economic:** A long time vacant unit would be brought back into productive use and 2 new full time equivalent jobs would be created

B1 **APPLICATIONS** (cont'd)

3 **Code No:** DER/11/08/01640

5.2 Design and Community Safety: Not applicable

5.3 Highways: The proposed site is situated in a commercial area of Normanton on a classified road. There are no parking facilities within the site however there is a public car park across the road. There are currently many premises on Normanton Road of the same usage as the proposed. There are no highway implications and in view of this no objections.

5.4 Disabled People's Access: There are no changes proposed to the existing entrances.

5.5 Other Environmental: The proposal could be anticipated to generate the usual problems associated with food and drink uses: these are increased late night activity, parking, noise, cooking odours and litter.

6. **Publicity:**

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

7. Representations: 12 letters of objection have been received. Copies of these will be made available in the members rooms.

Of these 6 are trade objections from competing hot food businesses operating from nearby the application site. The remainder are from neighbouring or nearby residents or nearby none competing businesses.

The grounds of objection are summarised:

- Existing late night disturbance and noise disturbance and vandalism will be worsened
- Littering will be worsened
- Existing parking congestion especially during the day time, on nearby roads, will be worsened
- Potential increase in vermin
- Detrimental affect on the residential amenity of neighbouring occupiers from cooking fumes, which would affect washing that is hung out to dry and would enter the neighbouring dwellings if they opened their windows

B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01640

- Late night disturbance to immediate neighbouring dwelling due to shared use of rear access which runs under a bedroom of the neighbouring dwelling
- There are already far too many hot food take-aways on Normanton Road
- It would have a detrimental impact on existing nearby hot food shops
- We should be encouraging healthy eating habits.

8. Consultations:

Environmental Health, (Food safety) - Due to the large number of food premises in this area, there are no objections on environmental health grounds to the proposed change of use. However, details of the ventilation system to be installed, noise control measures and proposed internal arrangements should be sent to the Chief Environmental Health Officer before any works start.

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

GD5 - Amenity
R8 - Normanton Road Linear Centre
S12 - Financial and professional services and food and drink uses
T4 - Access Parking and servicing
T10 - Access for disabled people

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

10. Officer Opinion: Although the application refers to change of use from an existing A1 Use (conventional retail), to an A5 use (hot food take away), historically the last approved use of the premises is as part of a car show rooms, along with 176 Normanton Road. A car show room is not in use class A1 but is a “sui generis use” which does not belong to any of the defined Use Classes.

It would seem that in recent years without the benefit of planning permission, the car sales function has been changed to a vehicle repair and maintenance use fitting brakes, clutches exhausts etc. and with an element of retail of car parts. Such a mix may have amounted to a mixed use of B2 and A1, but was most probably primarily a B2 use with an ancillary element of A1. In my view both the authorised use as a car sales showroom, and the unauthorised use as a car repairs garage, are not in class A1 and accordingly the proposal does not involve the loss of an A1 use.

The unit is in the Normanton Road/Peartree Road Linear Centre where policy R8 allows for A1 (ordinary retailing uses) and other uses which

B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01640

are compatible with the general scale, nature and function of the centre and contribute to its vitality, viability and regeneration. These other uses are not specifically defined in the policy.

The centre as a whole appears to be in a relatively healthy state with a wide range of uses. Notwithstanding the vacant units which appear to be more common at the northern end of the centre. It is unlikely that the change of use of the application unit would have a negative effect on the centre as a whole and there would still be a retail offer in the immediate vicinity to provide a local shopping function.

This unit was listed as being vacant in a survey dated October 2007 and so it would appear that it has been in this state for an appreciable length of time. Whilst an A1 use would be preferable it may be better, for this part of the centre, for the unit to be used rather than remain vacant for the foreseeable future.

CDLPR policy S12 requires that a proposal should not lead to a concentration of such uses likely to undermine the vitality and viability of the Centre. This, again from a retail point of view, is unlikely to occur in this case for the reasons given above.

The current proposal only includes part of the building that was refused planning permission for a restaurant use and presumably will have a proportionately reduced impact with regard to the numbers of customers arriving and departing, although the nature of the customers and the pattern of usage will be somewhat different.

The proposal is likely to have an impact on the amenity of neighbouring residents, particularly those who live immediately to the rear and those who occupy flats above the neighbouring shops. The Environmental Health Officer however raises no objections to the proposal but, should planning permission be granted, would require details of a ventilation system, noise control measures and internal arrangements. The first two of these would help to mitigate against any loss of residential amenity

It is accepted that hot food takeaways will result in some degree of late night activity which will result in noise and disturbance to nearby residents, however such uses can be expected to operate in retailing centres and these are appropriate locations for such uses.

No highways objections have been raised to the proposal and I can see no grounds to withhold planning permission on the grounds of lack of parking provision when the situation is no different here that it is for any other unit in the Normanton Road Centre.

B1 APPLICATIONS (cont'd)

3 Code No: DER/11/08/01640

Over half of the third party representations received are trade objections from other hot food businesses that operate in the immediate area. Objections on these grounds are not considered to be valid planning objections. Additional competition between businesses is seen as being beneficial and a stimulus to the market resulting in wider choice and better value for customers.

Although there is a concentration of hot food shops and restaurant type uses on Normanton Road taking into consideration the whole length of the road, there is only one other hot food shop in the 23 metre length of retail frontage that includes the application premises, and no other hot food uses in the 45 metre length of frontage immediately to the south. The number of ordinary A1 uses in these frontages and the immediate area is not great as recent years have seen a move away from small shops and towards the provision of such facilities as nurseries, advisory centres, information bureaux, solicitors and accountants, at this end of Normanton Road. I believe this reflects a move away from small retail units which may be struggling for viability in an age when many services that were traditionally provided by the small independent retailer are now provided by the large super or hypermarket. I can see little value in refusing planning permission for this proposal in an attempt to enhance the retail function of the area when the long period of vacancy experienced by the application premises clearly demonstrates that there is no interest by ordinary retailers.

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 City of Derby Local Plan Review and all other material considerations as indicated at 9 above, and it is considered that the proposal would be an acceptable use in this locality which should not result in any significant loss of vitality or viability of the Normanton Road/Pear Tree Road linear centre, and should not result in any unacceptable loss of residential amenity to neighbouring residents.

11.3 Conditions

1. Standard condition 47 (details of fume extraction/ventilation) (modified to remove reference to silencer and carbon filtration).
2. Standard condition 50 (restriction of opening hours).
3. Standard condition 49 (sound insulation).

B1 APPLICATIONS (cont'd)

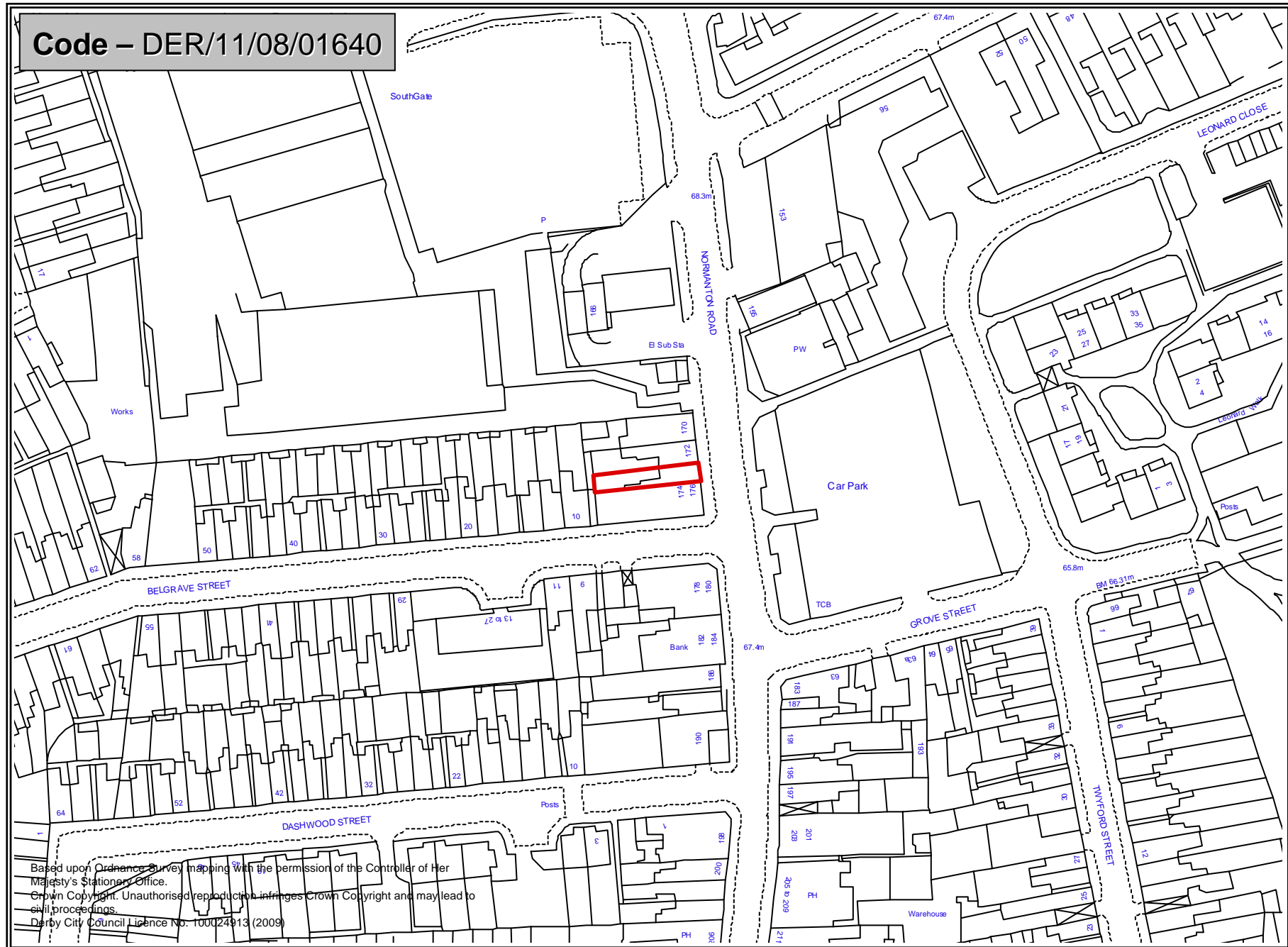
3 Code No: DER/11/08/01640

11.4 Reasons

1. Standard reason E25...policies S12/GD5
2. Standard reason E07...policies S12/GD5
3. Standard reason E27...policies S12/GD5

11.5 S106 requirements where appropriate: None.

Code – DER/11/08/01640



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B1 APPLICATIONS (cont'd)

4 Code No: DER/11/08/01654

Type: Full

1. **Address:** 62 Blagreaves Lane, Littleover
2. **Proposal:** Extensions to care home (bedrooms, lounge, dining rooms and associated store rooms, offices and W.C. facilities)
3. **Description:** This application relates to Mulberry Court Residential Care home, which sits on the southwest side of Blagreaves Lane. It is a pre-war two-storey building, which sits on a substantial plot. The building sits some 30m back from its highway frontage and the area to the front of the home is used for parking. It accommodates a number of mature trees and a Tree Preservation Order covers some of the trees located on the sites frontage. To the rear, the site accommodates a large area of garden which steps down to a lower level than the ground floor of the home. Mulberry Court is a brick building, with steep hips and gables and some half timbering on its frontage. A more recent, flat roofed extension sits to the side of the care home on the buildings northern elevation.

Residential properties on Blagreaves Lane bound part of the northern boundary and the southern boundary of the site. The rear gardens of residential property on Moorway Croft and Bannels Avenue abut the northern and western boundaries.

Planning permission is being sought for extensions to the home, which involve the removal of the existing flat roofed extension and the addition of a two-storey extension onto the northern elevation of the building. The two-storey extension would extend to some 12.1m in width and some 23.4m in depth. Extending to the rear of that two-storey addition, a single storey extension is proposed that would project into the rear garden, some 25m beyond the rear wall of the two-storey extension. This part of the proposal would take account of the changes in levels across the site and internal accommodation is proposed to be provided below ground level. Towards the southern part of the site, a small extension to an existing lounge is proposed measuring 3.1m in depth and 4.7m in width.

The two-storey addition has been designed to tie into the style and features of the main house with hips and gables being provided within a steep pitched roof. The rear extension is to accommodate a flat roof behind a surrounding parapet. The small extension to the existing lounge would continue the flat roof of the existing lounge offering extension to an existing balcony at first floor level.

The proposals put forward in this application would offer an increase in the number of bed spaces available at the home from 14 to 31. The access into the site would be unchanged but the layout of the parking

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/08/01654

areas altered and formalised to offer space for 17 cars including one disabled space.

4. Relevant Planning History: The most recent applications relating to this site include:

DER/12/95/01471 – Extensions to existing nursing home (26 bedroom annex) – refused February 1996 on the following grounds:

‘The proposed development by virtue of its excessive scale and extent of ground coverage and projection into the rear garden would be severely detrimental to the amenities of nearby residents and thereby contrary to policy C1 of the City of Derby Local Plan and of the adopted Local Plan for Southern Derby.

This decision was overturned in a subsequent appeal where the Inspector concluded that the proposal’s effects on the neighbouring properties would not be unduly detrimental.

DER/11/01/01501 – Extension to existing nursing home (26 bedroom Annex) – this application offered amendments to the scheme previously approved by the Planning Inspector. The application did not reach a formal determination, as issues relating to site drainage were not satisfactorily resolved.

5. Implications of Proposal:

5.1 Economic: The application indicates that the extensions will offer an increase in staff at the site consisting of 2 full-time positions and 2 part-time positions.

5.2 Design and Community Safety: Extensions of a substantial footprint are being offered in this application. However, this is a large plot and I am satisfied that the proposals are not too intensive for the site itself. A design and access statement supports the application and it is clear that consideration has been given to designing an extension that reflects the character and style of the existing home in views from the street. That style and form of building would change as the proposals extend into the rear of the site but it is indicated that this has been done in order to reduce the mass of the proposals and their implications for the amenities of neighbouring occupiers. Overall, I am satisfied that the proposals would be acceptable in design terms.

In my view, there are unlikely to be any significant community safety issues likely to result from this proposal.

B1 **APPLICATIONS** (cont'd)

4 **Code No:** DER/11/08/01654

5.3 **Highways:** To be reported.

5.4 **Disabled People's Access:** Accessibility within the extensions would be secured through compliance with building regulation guidance.

5.5 **Other Environmental:** The site contains a number of mature trees, some of which are protected by a Tree Preservation Order. In order to facilitate these proposals, seven trees would be removed from the site but none of those trees are protected by the Tree Preservation Order. The views of the Tree Preservation Order Officer have been sought and I can advise Members that no objections are raised to this application on the grounds of tree loss.

An existing drainage ditch runs along the sites northern boundary and the extensions have been sited at least 3m from the top of the ditch in order to allow access to the ditch for future maintenance. Surface water from the new roofs is to be collected and recycled using a harvesting tank that is proposed to be located under the existing lawned rear garden. This solution to site drainage is consistent with the aims of PPS25.

The application suggests that it is intended that the thermal mass of the building will be greater than would normally be required and the use of solar panels are being considered for the south facing slopes of the extension. It is hoped that these design features will assist in reducing levels of energy used within the building and reduce costs. Such design features would be consistent with the aims of CDLPR Policy E10.

6. **Publicity:**

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

7. **Representations:** Seven letters of objection have been received in response to this application from local residents and are available in the Members Rooms. The concerns raised mainly relate to:

- The proposals being too close to the boundary shared with properties on Moorway Croft offering overbearance of the boundary and massing problems for residents

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/08/01654

- A loss of privacy, light and amenity resulting for the occupiers of properties on Moorway Croft
- Loss of trees which act as a screen and have amenity and wildlife value
- Loss of trees affecting the stability of the existing ditch
- The proposals not going far enough to resolve flooding problems in the area
- Future maintenance of the ditch and the potential for increased flooding
- Concern over increased levels of noise resulting from the expansion of the home and the underground rooms
- Bland elevations being visible from neighbouring properties and the design of the extensions being inappropriate for a residential area
- Light pollution
- Loss of TV reception due to extent of proposals

Additional plans have been provided showing site levels and the relationship of the proposals to some of the neighbouring property. Local residents have been invited to comment on this additional information and in responses four letters have been received from residents who objected to the application originally. The issues raised in addition to those cited previously concern:

- Trees having been removed from the site already, prior to the application being determined.
- Questions as to why there is a need for the proposals to be built so close to the boundaries of properties on Moorway Croft.

8. Consultations: -

9. Summary of policies most relevant: CDLPR policies:

- GD1 - Social Inclusion
- GD3 - Flood Protection
- GD4 - Design and the Urban Environment
- GD5 - Amenity
- H13 - Residential Development – General Criteria
- E9 - Trees
- E10 - Renewable Energy
- E23 - Design
- E24 - Community Safety
- T4 - Access, Parking and Servicing
- T10 - Access for Disabled People

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/08/01654

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:** I am satisfied that the site of 62 Blagreaves Lane has sufficient capacity to accommodate the proposals put forward in this application and I would conclude that the proposals will allow the site to continue to offer a satisfactory living environment for the occupiers of Mulberry Court residential care home.

It is clear that consideration has been given to the character and style of the existing property and the sites constraints. The two-storey extension would be a prominent addition to the home but I am satisfied that it would suitably tie into the form and style of the existing property. The proposed roof height of the extension appears greater than that of the existing property but this has resulted from the extension having greater depth than the house itself and a desire to accommodate the same degree of pitch to the roof to that accommodated on the existing residential home. The difference in height amounts to 1m and given that this change in level would be viewed at a high point set back from the frontage of the building, I do not consider that the resulting extension would be an unsympathetic addition to the home, in design terms. Overall, I do not consider that the two-storey extension would unreasonably compromise the character of this property in the context of the street scene.

The flat roofed extensions to the rear are offered much simpler elevations and they accommodate a more modern external appearance. Given their position towards the back of the property, I do not consider that I could sustain objections to them on design grounds. I have noted the concerns of residents on Moorway Croft that the elevations of the extensions that would be viewed from their properties would be bland. However, I do not consider the proposals to be particularly unattractive or unusual for a domestic context such as this. It needs to be recognised that the elevations facing those neighbouring property will have limited fenestration to ensure that existing levels of privacy and amenity are not unreasonably affected.

This application has generated a number of objections from residents on Moorway Croft who are concerned that the proposals will sit too close to their boundaries, offering them a reduction in privacy, light and amenity. These issues have been given careful consideration, and I am lead to conclude that the relationship between the proposals and those houses is not unreasonable. Both the two storey elements of the proposals and the single storey elements with the underground rooms, would sit over 10m from the principal windows located in the rear elevations of dwellings on Moorway Croft. Such a relationship would

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/08/01654

normally be deemed acceptable when considering the relationship between a principal elevation and a corresponding side wall. In a number of the cases here, the distance easily exceeds 10m. The relationship between 8 Moorway Croft and the proposal should be noted given that it is this dwelling that would have the most direct relationship with the two storey elements of the scheme. The side wall of the two-storey extension, would sit approximately 18.4m from the windows in the rear extension that has been added to this property. Land levels do drop slightly between the site and those neighbouring dwellings and these proposals will offer a change to the present open outlook enjoyed from those rear gardens. However I am lead to conclude that the relationship between those houses and the proposals are reasonable given that they are similar to those found in many domestic contexts as the achievement of such distances would normally deem a proposal to be acceptable on general massing grounds. Obscure glazing can be secured by condition in the windows at first floor level, which face towards Moorway Croft, and those to the corridor in the rear extension. Those at ground level in the two-storey extension would be offered screening by existing boundary treatments and with these conditions in place, I am satisfied that no loss of privacy should result.

The proposed extension to the lounge which is located towards the southern end of the building is acceptable on design grounds, in my view. Although it would sit close to the site boundary shared with 68 Blagreaves Lane, it should not offer unreasonable massing or overshadowing of this neighbouring property, in my view. The balcony at first floor level offers an extension to an existing balcony and I do not consider that it would offer an unreasonable degree of overlooking of the neighbouring property, beyond that already achieved from the existing balcony.

It is clear from the comments received from local residents that the land in this locality suffers from poor surface water drainage. The proposals put forward in this application, address that issue and a solution to the control of surface water rainfall collected from the new roofs of the development, are offered. This involves the collection of the surface water into a rainwater-harvesting tank of 12,000-litre capacity which is to be stored underground, in the rear garden. The water collected by this system would be recycled and used in the toilets, sluices, laundry and garden. The system is capable of dealing with a 1 in 100 year flooding event plus 20% but systems would also be put in place in case this system were to overflow. That would involve the discharge of any excess water into a soakaway with the overflow from that soakaway discharging into the existing drainage ditch. Local residents are concerned that such a system would not be sufficient to deal with the

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/08/01654

problems already experienced given that more of this site is to be built upon. This system would not resolve all surface water problems that may occur in the area and this application cannot be used to solve all existing drainage issues. However, this system has been considered by our Drainage Engineers and they are satisfied that it offers an appropriate solution for dealing with drainage associated with the development that is subject of this application and with it in place, existing surface water problems should not be exacerbated. Concerns relating to the future maintenance of the existing drainage ditch would not give grounds on which to refuse planning permission for this development. A suitable distance would be maintained between the ditch and the extensions so the development being offered should not compromise the owner's ability to undertake any regular maintenance.

None of the trees that are detailed for removal are subject of the Tree Preservation Order. I have consulted my Tree Preservation Order Officer and he has raised no objections to the removal of the trees identified on the plans given their condition and in some circumstances their low level of public amenity value. He has advised that a suitable replacement tree should be secured for the mature Ash which sits towards the front of the home and this could be secured by condition should planning permission be granted for the development. In these circumstances, I would raise no objections to the proposals based on tree loss. This site would continue to accommodate many mature trees and I do not consider the level of tree removal from the site to be excessive.

In accordance with the views expressed above, I am satisfied that the proposals offered in this application meet with the aims of the appropriate local plan policies. The concerns of local residents have been considered but I am lead to conclude that the proposals are acceptable in design and amenity terms and I do not consider that a refusal of planning permission can be justified in this case.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission, with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the Development Plan and all other material considerations as indicated in 9. above and the proposals are considered acceptable in siting, design, highway safety and amenity terms.

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/08/01654

11.3 Conditions

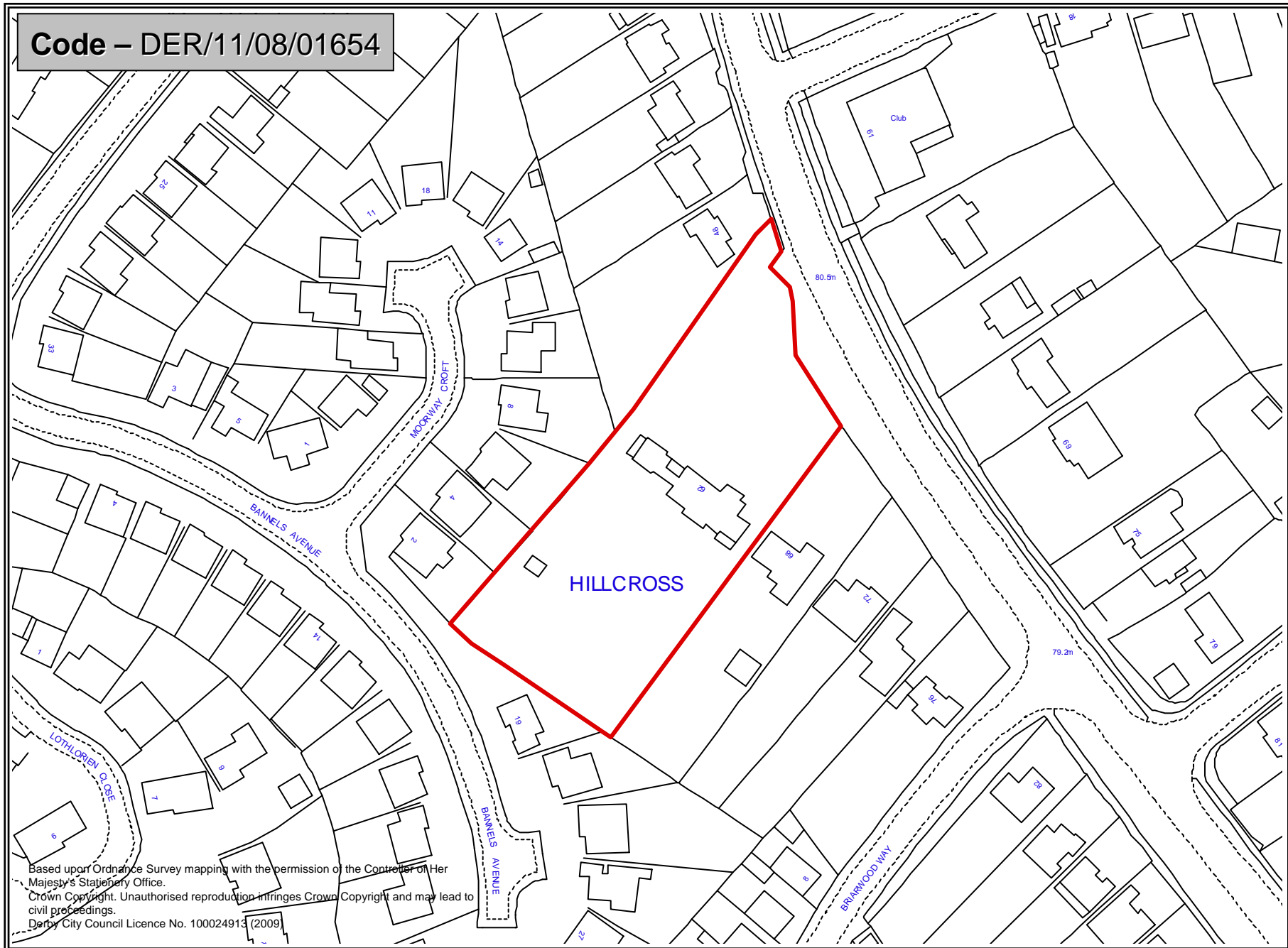
1. Standard condition 27 (external materials)
2. Standard condition 24 (vegetation protection from construction)
3. Standard condition 55 (Replacement of ash tree)
4. The construction of the development shall have full regard to the need to reduce energy consumption and a scheme shall be submitted and 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 development is brought into use.
5. The first floor windows in the northern elevation of the extensions and the corridor windows in the northern elevation of the rear extension, shall be obscure glazed and shall be retained as such at all times, unless otherwise agreed in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E14 (policy E23)
2. Standard reason E24 (policy E9)
3. Standard reason E18 (policy E9)
4. To help reduce energy consumption, pollution and waste in accordance with policy E10 of the adopted City of Derby Local Plan Review.
5. To protect the privacy of neighbouring residential property in accordance with policies GD5 and H13 of the adopted City of Derby Local Plan Review.

11.5 S106 requirements where appropriate: -

Code – DER/11/08/01654



B1 APPLICATIONS (cont'd)

5 Code No: DER/02/09/00118

Type: Full

1. **Address:** 22 Fairfax Road
2. **Proposal:** Retention of extensions to dwelling house, (garage, kitchen, bedroom, shower room, wc, two bedrooms and enlargement of living room).
3. **Description:** This item is being reported to Committee as it seeks to amend details of a proposal originally granted planning permission by the Committee, in July 2006, and could involve the commencement of enforcement proceedings that would require the demolition of parts of an extension already substantially completed.

Planning permission was granted for substantial extensions to this semi-detached dwelling house at 22 Fairfax Road. Two applications were submitted for almost identical but mirror image extensions to two semi-detached dwelling houses that are adjacent but not attached to each other, and separated by two driveways. The applicant was the same in both cases and said that the buildings are to be occupied by his own family, although when visited one of these was being rented out.

The existing dwelling houses are of conventional inter-war semi-detached design and lie in a row of similarly designed dwellings on Fairfax Road. The area is overwhelmingly residential in character. Many of the houses on Fairfax Road and nearby streets have had large two storey extensions in recent years.

In December 2008, a neighbour reported that the extension was under construction but had not been constructed in accordance with the plans granted planning permission. A subsequent site visit by one of my Enforcement Officers confirmed that the extensions were not being constructed in accordance with the plans that had been granted planning approval. By this time however the extensions had been substantially completed with the external walls of the extension and the roof tiles all in place. The applicant was advised to halt work on the extensions and to rebuild them in accordance with the approved plans.

One of the ways that the extensions depart from the approved plans is that a set back at first floor level on the front elevation which was intended to be 1 metre deep had been built at 0.5 metres deep. The purpose of the set back is to reduce the “visual terracing” that occurs when detached or semi –detached dwellings are extended right up to their side boundaries. This has been successfully achieved across the City and importantly in Fairfax Road and neighbouring Hamilton Road. At only 0.5 metre deep, the setback is not considered deep enough to achieve its aim. CDLPR Policy H16 at part d. specifically requires a

B1 APPLICATIONS (cont'd)

5 Code No: DER/02/09/00118

setback to avoid a terraced or cramped effect in the streetscene. It is considered that the depth of setback, as built, is inadequate to achieve this aim and as such it is considered that this part of the extension is unacceptable. The applicant was advised as such. He was further advised that if a retrospective planning application were to be submitted to retain the extension as built, it would be likely to be refused planning permission and so the submission of a retrospective application was not recommended.

A subsequent more detailed site inspection revealed that the extensions that had been built departed from the details granted planning permission in many significant ways that affect the front elevation, the rear elevation and the roof.

It seems that an application for Building Regulations Approval had been submitted in June 2008, and granted approval in August 2008. The details of the extension submitted for Building Regulations Approval departed considerably from those granted planning permission. No amendment to the planning application was made. When building works were commenced it seems that the extensions were built in accordance with the Building Regulations plans and not in accordance with the approved planning application drawings.

Even so the Building Regulations drawings included a 1 metre set back at first floor level that was not adhered to in the actual development.

This current application has been submitted to retain all of the works that have been carried out, irrespective of advice given by my planning officer that planning permission is unlikely to be granted.

Briefly the changes from what was granted planning permission include:

- The reduced set back on the front elevation
- Additional front element of forward extension to incorporate a porch round the front door.
- Ground floor rear extension significantly altered to reduce the width of the first floor element but increase the width of the ground floor element
- Design of ground floor roof altered
- Design of main roof altered.

- 4. Relevant Planning History: DER/03/06/00422 Extensions to dwelling house, (garage, wc, 2 bedrooms and enlargement of kitchen /dining room, guest room family room and bedroom.) Granted planning permission with conditions 7 July 2006.**

B1 APPLICATIONS (cont'd)

5 Code No: DER/02/09/00118

5. Implications of Proposal:

5.1 **Economic:** -

5.2 The extensions have been part constructed to a point where the external shell is almost complete. The lack of adequate set back of the side extension, behind the original front wall is considered to be detrimental to the visual amenity of the streetscene.

5.3 **Design and Community Safety:** -

5.3 **Highways:** -

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

5.5 **Other Environmental:** -

6. Publicity:

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

7. **Representations:** A petition bearing 36 signatures has been received in support of the proposal. The petition says that the extension is similar to many others in the immediate area and it has been well built and will improve the look of the property.

One letter of objection has been received which is exempt from public scrutiny given that it contains various allegations about the development.

8. **Consultations:** None undertaken.

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

- GD4 - Design and Urban Environment
- GD5 - Amenity
- H16 - House extensions
- E23 - Design
- T4 - Access, car parking and servicing.

B1 APPLICATIONS (cont'd)

5 Code No: DER/02/09/00118

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

- 10. Officer Opinion:** The extensions that have been carried out vary considerably from those that were originally granted planning permission in 2006. Many of the departures from what was approved are at the rear of the property and have little or no impact on the streetscene and little additional impact on the amenity of neighbouring residents. Certain of the changes to what was approved on the front elevation such as the additional ground floor extension forming a porch around the front door are also in my view acceptable. I consider that had these details been incorporated into the original proposals then these would have been granted planning permission.

The reduced set back at first floor level is, however, in my opinion, not an acceptable alteration. The Council has for a number of years been concerned about the visual terracing that occurs when detached and semi-detached dwellings are extended close to or right up to the boundary with neighbouring properties. If both neighbours were to extend in a similar manner, the two adjoining buildings would virtually abut each other giving an almost terraced appearance where formerly there were gaps between buildings. This is considered to be an undesirable visual change to a streetscene. To avoid this a set back to the extension is now required so that there will be a notched effect in the streetscene which will give a notional visual separation between neighbouring properties together with a corresponding drop in the ridge line. This requirement is embodied in policy H16 in the CDLPR. Although no guideline figure for the depth of set back is included in the policy, custom and practice has been to accept a 1 metre set back at first floor level to be the absolute minimum necessary to achieve the desired affect. Ideally far deeper setbacks would be preferable.

There would appear to have been some misunderstanding on behalf of the applicant as to the separate requirements for Building Regulations approval and for planning permission. The departures from the approved planning details appear to have arisen as a result of Building Regulations drawings having been approved that were then taken by the applicant to be the approved drawings also applicable to the planning element of the proposal. Irrespective of this however, the Building Regulations drawings did show a 1 metre setback. Although a small anomaly on both the planning drawings and the Building Regulations drawings is blamed by the applicant for the reduction in depth with the set back, no approach was made to the development control division to resolve the anomaly.

B1 APPLICATIONS (cont'd)

5 Code No: DER/02/09/00118

I do consider the reduced depth of set back to be unacceptable and incapable of having the desired affect on visual terracing in the streetscene. If planning permission were to be granted to retain the extension as it has been built, I believe it would set an undesirable precedent for future extensions in the vicinity, and indeed the similar extension approved at the neighbouring property at the same 2006 committee meeting, and imply that the Council is unwilling to take the necessary action to ensure that development is carried out strictly in accordance with the approved plans.

I consider the reduced set back to be unacceptable, and although I have no objection to the other changes I consider it to be necessary to recommend refusal for the proposal as now submitted. I further recommend that enforcement proceedings be initiated to ensure that the extension as built is altered to incorporate a 1 metre setback.

I have considered whether a split decision could be issued for the proposal to retain those elements at the rear and the roof however I believe such an approach may result in further confusion. I would therefore further recommend to the applicant that a new planning application be submitted to retain the other works but also include a 1 metre set back, for which I would be prepared to recommend that planning permission be granted.

11. Recommended decision and summary of reasons:

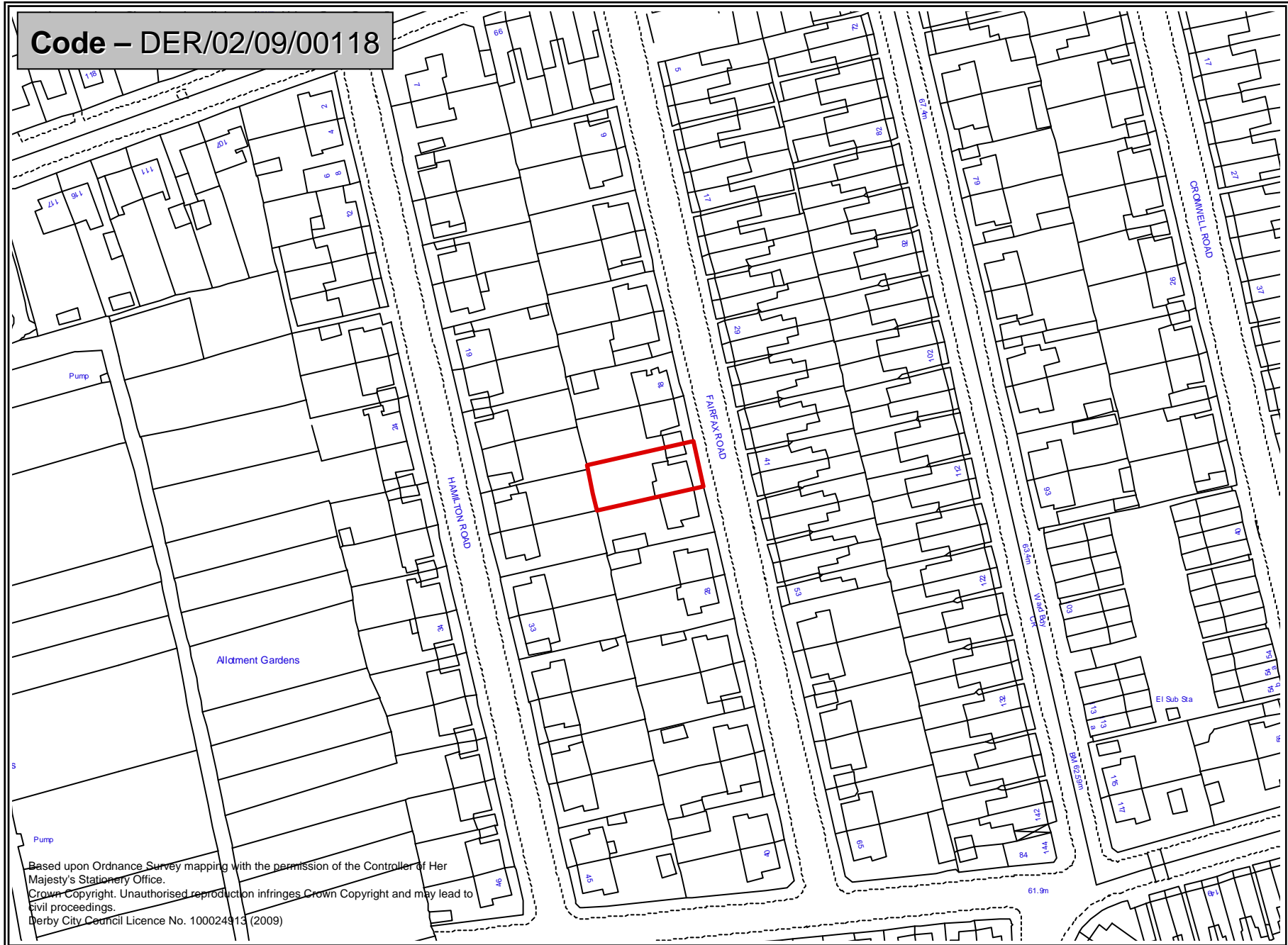
11.1 To refuse planning permission for the following reason.

11.2 Reason

The proposed two storey side extension up to the common boundary would, by reason of its size and design, significantly reduce the gap between dwellings at first floor level detracting from the setting of this and adjacent properties contrary to policy H16 of the adopted City of Derby Local Plan Review 2006. Furthermore, the development, if approved, would set an undesirable precedent whereby it would be difficult for the Local Planning Authority to resist similar extensions to nearby dwellings. If repeated on the adjacent property, this would create the undesirable linking and massing of development at first floor level, with an unacceptable change in the character and appearance of the streetscene. As such the proposal is contrary to policies GD4, H16 and E23 of the adopted City of Derby Local Plan Review 2006.

11.3 S106 requirements where appropriate: None.

Code – DER/02/09/00118



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B1 **APPLICATIONS** (cont'd)

6 **Code No:** DER/01/09/00045

Type: Full

1. **Address:** 60 Ferrers Way, Allestree
2. **Proposal:** Extension to dwelling house (garage, utility room, breakfast room and enlargement of kitchen).
3. **Description:** Number 60 Ferrers Way is a detached two-storey dwelling situated within a triangular plot at the junction of Ferrers Way and Portreath Drive. Because the application property helps to turn the corner into Portreath Drive, it is sited at an angle in relation to the other dwellings along Ferrers Way and steps slightly forward of the prevailing building line. At present, there is a detached garage on the site, which is set back behind the main house close to the southern boundary. A small conservatory is also situated to the rear of the property.

This application seeks to obtain full planning permission for the erection of a single storey extension. The proposed extension would wrap around the side and rear elevations of the existing dwelling and would replace the existing garage and conservatory. The side element of the proposed extension would form a wedge-shaped garage, measuring approximately 9m at its deepest point, and 4.8m at its widest point. It would be sited at an angle in relation to the main house, as a result of the restrictions of the plot, and would be approximately 4m to the ridge of the roof. At the rear of the property the extension would project from the existing elevation of the dwelling by approximately 3m, it would have a lean to roof design, measuring approximately 3.6m at its highest point.

This application is a resubmission of planning application reference DER/10/08/01530, which was refused in December 2008.

Councillor Hickson has requested that this application be determined by the Committee.

4. **Relevant Planning History:** DER/10/08/01530 - Extensions to dwelling house (utility room and garage and enlargement of kitchen and breakfast room) – Refused – 22/12/08 for the following reason:

The proposed extension, by reason of its projection forward of the adjoining properties and its design and particularly roof design, would be detrimental to the visual quality of the host dwelling and the streetscene. The proposal would accordingly, be contrary to policies E23 and H16 of the adopted City of Derby Local Plan Review.

5. **Implications of Proposal:**

B1 APPLICATIONS (cont'd)

6 Code No: DER/01/09/00045

5.1 Economic: None.

5.2 Design and Community Safety: The revisions to the roof design of the garage are now considered to be more in keeping with the character of the existing property. The garage has also been set back, which respects the established building line along Ferrers Way.

5.3 Highways: The proposed garage is set back sufficiently from Ferrers Way a sufficient distance to park a vehicle clear of the highway. The proposal would not raise any highway issues.

5.4 Disabled People's Access: None.

5.5 Other Environmental: None.

6. Publicity:

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

7. Representations: 1 letter of objection and 1 letter of comment have been received.

The concerns relate to:

- The proposed extension appears to be similar to the previous proposal
- The extension would encroach upon the boundary line between no. 60 and 62 Ferrers Way
- The proposed extension/demolition could cause damage to the existing garage, fence, gate and driveway at 62 Ferrers Way.

... Copies of these representations are attached.

Councillor Hickson also raises an objection to the proposal.

8. Consultations: -

9. Summary of policies most relevant: Adopted CDLPR:

GD4 - Design and Urban Environment
GD5 - Amenity

B1 **APPLICATIONS** (cont'd)

6 **Code No:** DER/01/09/00045

H16 - Residential Extensions
E23 - Design
T4 - Access, parking and servicing

10. **Officer Opinion:** The main issues to be considered are the design of the extensions, and their impact upon street scene, and the impact upon the amenity of neighbouring properties.

Design - The key differences between this application and that previously refused are; 1) the roof design of the garage, and 2) the degree of forward projection of the proposed garage.

Roof design: although the garage still has a hipped roof, the angle of the roof slope has altered and the overall height of the roof has been reduced. The previous application had a steeply sloping roof, which intersected the main house approximately 4.5 metres up, on the dwelling's southern elevation. In my opinion, the amended roof design is more in keeping with the character of the main house, and I am satisfied that the changes to the design, have overcome this element of the previous reason for refusal.

Forward projection: the properties along Ferrers Way differ in terms of their scale, form and design, however they are all typically set back from the road and they follow a loose building line. Whilst the degree of forward projection of the proposed garage has only been reduced by 0.25m, it is now set back to reflect the prevailing building line and is set in line with number 62 Ferrers Way. I do not consider that the siting of the side extension, as amended, would be sufficiently detrimental to the character and appearance of either the existing dwelling, or the surrounding streetscene to warrant refusal of the application.

There are no objections to the scale, design or massing of the proposed rear extension, which would not be readily visible within the streetscene and, overall, the proposal is considered acceptable in terms of Policies GD4, H16 and E23 of the City of Derby Local Plan Review.

Residential Amenity - Also of consideration is the impact of the proposed extensions will have upon the amenity of neighbouring properties. As the extensions will only be single storey in height, it is considered that they would not have an overbearing, or massing impact upon the adjacent dwellings, or result in any significant loss of light to neighbours. Furthermore, no direct overlooking would occur as a result of the proposal. Accordingly, the proposal is considered to comply with Policy GD5 of the City of Derby Local Plan Review.

B1 APPLICATIONS (cont'd)

6 Code No: DER/01/09/00045

Other Issues - The issue regarding the removal of the fence/gate, or any encroachment over the boundary onto the neighbouring property are not a matter over which the planning authority has any jurisdiction. The applicant has certified that he owns all the land on which the development will take place and, therefore, if granted, the planning permission would be legally sound. The granting of planning permission does not obviate the need for the neighbour's agreement to any encroachment, access or removal of property on land outside of the ownership. If this has not been given, then it is for the neighbour to take necessary steps to recover the situation as a private legal matter. The demolition of the present garage is not subject to planning approval. The impact of the extensions upon the structure of the neighbouring garage and the impact of new footings are not material planning considerations and will fall within the remit of the Building Regulations.

Overall, I am satisfied that the revised design would sit comfortably in the context of the street vista and would not detract from the character and appearance of the application property, or the visual amenity of the surrounding area. It is considered that the proposal would not adversely affect the amenity of neighbouring properties or highway safety. In view of the above assessment, I conclude that the proposal reasonably satisfies the requirements set out in Policies: E23, GD5, H16 and T4 of the adopted CDLPR. Therefore it is recommended that full permission be granted conditionally.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission conditionally.

11.2 Summary of reasons: Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material planning considerations and is considered acceptable in terms of design, amenity and street scene impact.

11.3 Conditions

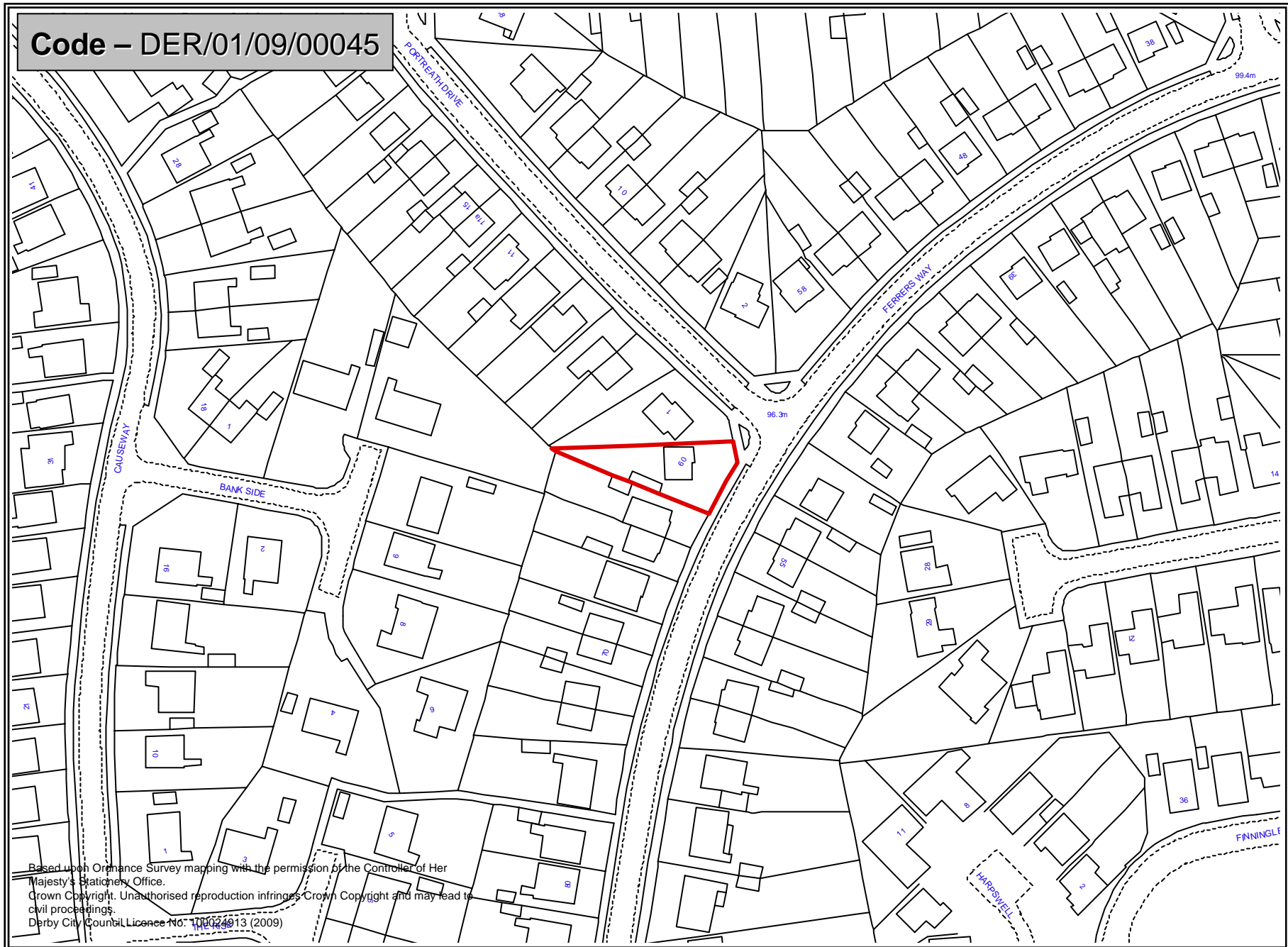
1. Standard condition 27 external materials
2. Standard condition 13 garage

11.4 Reasons

1. Standard reason E14 ...policy H16
2. Standard reason E28 ...policy GD5

11.5 S106 requirements where appropriate: Not applicable.

Code – DER/01/09/00045



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B1 APPLICATIONS (cont'd)

7 Code No: DER/02/09/00125

Type: Full

1. **Address:** Former Sturgess School, Markeaton Street
2. **Proposal:** Siting of 2 temporary containers for use as changing facilities.
2. **Description:** The application site is located within Sturgess Fields, an open area of land allocated as Green Wedge within the City of Derby Local Plan Review. This former school site is owned by the University of Derby, who uses the fields to the north and east as sports pitches.

The southern area of Sturgess Fields was once occupied by the Sturgess Secondary School buildings. These structures were demolished in the mid 1980's and today, the only visible remnants of the school are the roadway from Markeaton Street and a small area of hardstanding. The majority of southern field is covered by rough grassland and trees.

Sturgess Fields are bounded by Kedleston Road to the north, and the A38 Truck Road to the west. To the east are allotments and to the south, is the University's Pybus Street campus. There is substantial tree screening to the south of the site along the course of Markeaton Brook, which is protected for its ecological value.

Full Planning permission is sought to site two containers for a temporary period of 2-3 years. They would provide male and female changing facilities for the University of Derby, in connection with the nearby sports pitches. The containers would be located to the southwest of Sturgess Fields on the existing area of hardstanding. Each container would measure approximately 12m by 3m, by 2.8m in height and would be timber clad, finished in a green stain. The proposal includes the installation of a waste water and sewage holding tank, which would be screened behind 2m high timber fencing.

4. Relevant Planning History:

DER/194/80 – Construction of road extension and bridge over Markeaton Brook – Outline planning permission granted on appeal in January 1995.

DER/1295/1445 – Construction of road extension and bridge over Markeaton Brook – Details approved March 1996.

DER/397/293 – Outline planning permission for the formation of artificial turf area, erection of floodlights, erection of a two storey sports pavilion and associated car parking – granted planning permission with conditions, 30 May 1997.

B1 APPLICATIONS (cont'd)

7 Code No: DER/02/09/00125

DER/1006/1590 – Full planning permission for the construction of a link route from Kedleston Road to Markeaton Street – appeal dismissed January 2009.

5. Implications of Proposal:

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The impact of the containers on the open character of the area has to be considered. There are no specific community safety implications.

5.3 **Highways:** There are no highways implications. The site is accessed via an existing access on Markeaton Street, which is partly a restricted zone with a no loading ban at any time.

5.4 **Disabled People's Access:** Disabled people's parking bays are to be marked out in the temporary parking zone. Accessible route from parking to changing containers required. Ramped approaches to changing facilities detailed but should be secured by condition.

5.5 **Other Environmental:** The general amenity impact of the proposal upon the character of the Green Wedge has to be considered. The nearby trees are all protected by a Tree Preservation Order. The course of the brook is protected for its ecological value.

6. Publicity:

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

7. **Representations:** 26 letters/emails of objection has been received in respect of the proposed development. The reasons for objection are summarised below:

- It is contrary to green wedge policy designed to protect green spaces close to the urban area
- It will be a built intrusion into this special area and will inevitably lead to more requests from the University to extend its sporting facilities
- There will be an increase in noise and disturbance

B1 APPLICATIONS (cont'd)

7 Code No: DER/02/09/00125

- Provision of toilet facilities and sewage disposal etc. will cause environmental disturbance
- The proposed containers would be an ugly and inappropriate intrusion in this green oasis in the city
- It will detract greatly from the use of the fields by people to enjoy and study its fauna and flora and pursuing quiet recreation
- There will be some damage to the site in connection with the installation of the septic tank, and other works in connection with the development
- The changing facilities could be better provided at the University's Britannia Mill or Markeaton Street sites
- The proposal would set a precedent for future development
- Regular access into the site would be required for maintenance and cleaning
- The Inspector when dismissing the roadway appeal (APP/C1055/A/08/2069151) stated that the present undeveloped character of the fields would be seriously compromised by the proposed development. The latest proposal, though different, will be just as damaging to the character of the fields in question
- There is no mention of a period of time for the definition of 'temporary'
- It is likely that demand for vehicle access to Sturgess Fields would increase and parking would follow
- How long will it be until temporary turns into permanent?
- The use of an above ground waste water sewage water holding tank poses a considerable risk of pollution to ground water and the adjacent watercourse from overflow or leakage during emptying, severe weather or even from vandalism.
- The containers and septic tank will be seen from the road and will be an eyesore.
- They will be unattended at night with the associated issue of vandalism and community safety.

B1 APPLICATIONS (cont'd)

7 Code No: DER/02/09/00125

All letters are reproduced in Council Foyer. Any further letters of representation received will be made available for Members' consideration.

8. Consultations:

The Environment Agency - No objections.

Derbyshire Wildlife Trust –To be reported.

Crime reduction and Architectural Liaison Officer - To be reported.

Arboricultural Officer - To be reported.

9. Summary of policies most relevant:

GD1	- Social Inclusion
GD2	- Protection of the Environment
GD3	- Flood Protection
GD4	- Design and the Urban Environment
GD5	- Amenity
E2	- Green Wedges
E4	- Nature Conservation
E5	- Biodiversity
E7	- Protection of Habitats
E9	- Trees
E17	- Landscaping Schemes
E23	- Design
E24	- Community Safety
L5(4)	- Outdoor Recreation
L6	- Sports Pitches and Playing Fields
LE3	- University District
T4	- Access, Parking and Servicing
T10	- Access for Disabled People
T15(12)	- Protection of Footpaths, Cycleways and Routes for Horseriders

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

B1 APPLICATIONS (cont'd)

7 Code No: DER/02/09/00125

10. Officer Opinion:

The principle of the proposal

The application site is located within an area of Green Wedge where Policy E2 sets out uses that will normally be permitted. In such areas outdoor sport and recreation is a permitted use, provided that:

- a) The scale, siting, design, materials and landscape treatment maintain, and do not endanger the open and undeveloped character of the wedge, its links with the open countryside and its natural history value. Built development will be small scale and essential and ancillary to the operation of the main use
- b) Proposals do not detract from the openness of an area where the character of the green wedge is particularly vulnerable because of its prominence or narrowness; and
- c) that proposals would not lead to an excessive increase in the numbers of people, traffic or noise.

The site is also located within the University District, covered by Policy LE3, and specifically proposed for outdoor recreation under Policy L5 of the CDLPR. Policy LE3 supports development associated with the University, provided it meets criteria relating to its impact on the surrounding area. Policy L5 allows for leisure and recreational uses of an open nature and essential small scale ancillary buildings.

As the proposed development would serve the site's outdoor sport and recreations function, the proposal is considered to fall within one of the seven permitted categories of development under Policy E2. The changing facilities are small scale, and can be considered ancillary to the outdoor recreation use of the site, envisaged by Policy L5 of the CDLPR. Furthermore, there are other examples within the City where ancillary sports/recreational buildings have been considered acceptable within green wedges. Therefore, in the context of Policies E2, L5 and LE3 the principle of the proposal is considered acceptable subject to any qualifying restrictions.

Given that the development is considered to be acceptable 'in principle' the key issue to be assessed is whether the tests of Policy E2 (as set out above), and whether the criteria of Policy LE3 are met. Policy LE3 states that the scale and intensity of developments associated with the University should be sufficiently similar to the surrounding area and should not detract from the general character or amenity. It also seeks

B1 APPLICATIONS (cont'd)

7 Code No: DER/02/09/00125

to ensure any new buildings are in keeping with the surrounding area and that the proposals would not lead to major traffic implications.

The University already uses the site as its sporting/recreational facilities, and the sports pitches and the car park on the site, could be used throughout the respective sporting seasons with, or without, the proposed changing facilities. Therefore, in terms of the impact on the intensity of the use of the site, it is debatable what additional impact the development would have. The containers would be small scale and ancillary, they are not considered to be overly large or excessive.

Also to be considered is the impact of the proposal on the open character of the Green Wedge and visual amenity of the area. It is noted that in a recent appeal decision (ref: APP/C105/A/08/2069151 for the University hopper bus link) the Inspector placed considerable weight on the 'open and undeveloped character' of the site, and clearly, the proposal would introduce built development into an area where there is currently none. However, the development would be small scale, and would be sited on an existing area of hardstanding with a degree of tree screening. Although the structures would have a functional design, the applicant has proposed to use of timber cladding, stained green, to lessen the visual impact. The waste tank would be screened from public view behind the fencing. The proposed location of the containers, at the edge of the Green Wedge, also minimises the overall impact of the structures on the openness of the area.

Whilst the design standard of the proposed changing facilities is not ideal, given their small scale and temporary nature, the containers are considered acceptable in this instance. It is, however, recommended that a condition is placed on any consent requiring the structures to be removed within two years of the date of consent, as the siting of the containers in this location on a permanent basis, is inappropriate. It should also be made clear, that the development does not include the provision of any additional hardstanding, or alterations to the site access.

Overall, in view of their siting and small scale nature, it is considered that the visual impact of the proposed containers, on a temporary basis, would not be sufficiently detrimental to the open character and appearance of the Green Wedge to warrant refusal. Precise details of the finish can be controlled via condition, as can additional screen planting.

A number of the objection letters have noted the close proximity of other University buildings, particularly the Pybus Street campus to the application site. It is suggested that these sites offer opportunities to

B1 APPLICATIONS (cont'd)

7 Code No: DER/02/09/00125

provide changing facilities outside of the Green Wedge. However, as policy E2 does not specifically require a sequential test to determine if essential facilities are acceptable within the wedge, it is considered that refusal of the application based on these grounds could not be substantiated.

Other considerations are the potential environmental impacts of the scheme. The site lies adjacent to Markeaton Brook, which is protected for its nature conservation value, and is adjacent to a number of protected trees. Subject to the imposition of conditions relating to appropriate drainage measures and the implementation of a wildlife enhancement scheme, it is considered that the proposal is unlikely to have a direct, or indirect, impact upon the ecological value of Markeaton Brook especially as it is sited on the existing hardstanding. No trees are proposed for removal as part of the development and the containers would be sited some distance from protected trees. Formal comments from Derbyshire Wildlife Trust and the Arboricultural Officer will be reported orally at the meeting.

The site is located outside of Flood Risk Zones 2 and 3, and the Environment Agency has raised no objections on flood risk grounds. The Applicant would require prior written consent to discharge any trade or effluent into controlled waters, however, this is not a planning matter.

There are no issues raised on the grounds of highways safety. At present, the area of hardstanding can be used for the parking of vehicles, and in my opinion, the proposal would not result in a significant increase in the amount of vehicles visiting the site. The proposals for a walkway/cycle path proposed under policy T15 and as required by the Section 106 agreement for the Pybus Street campus would be unaffected by the development.

Conclusion

The application proposes the erection of two small scale, ancillary changing facilities, which will serve the existing outdoor sport and recreation function of the site. The containers would be situated on an existing area of hardstanding, with a degree of vegetation screening.

In this sense, the proposal complies with Policy L5(4) which promotes the use of the site for leisure and recreational uses and essential smallscale ancillary buildings.

Policy E2 sets out the criteria for judging proposals in the Green Wedge including built development which should be smallscale and essential

B1 APPLICATIONS (cont'd)

7 Code No: DER/02/09/00125

and ancillary to the operation of the main use whilst not affecting the open and undeveloped character of the area.

The buildings are clearly ancillary and smallscale and whilst the definition of essential could be argued, I do not consider that a refusal on such ground could be sustained on appeal.

Overall, I am satisfied that that proposal is in keeping with the general scale, character and levels of activity of the surrounding area and, given their temporary nature, would not impact upon the open character of the Green Wedge, to an extent that would warrant refusal of the application.

There are no adverse highway safety issues and the proposal would not have a detrimental impact on nearby protected trees, or the ecological value of Markeaton Brook. Taking all considerations into account, I am satisfied that the requirements of all policies listed above are met.

11. Recommended decision and summary of reasons:

11.1 11.1 To grant consent with conditions.

10.2 Summary of Reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material planning considerations and is considered acceptable in terms of amenity, visual impact, environmental impacts and highway safety.

10.3 Conditions

1. Standard conditions 27 (external materials)
2. The structures hereby permitted shall be removed by (two years from the date of decision) unless otherwise agreed in writing by the Local Planning Authority and the land restored to its former condition within two months of that date.
3. Unless otherwise agreed in writing by the Local Planning Authority, the parking zone shown as hatched on the submitted plan shall only be utilised by disabled people and match officials.
4. Standard condition 20 (landscaping scheme)
5. Standard condition 22 (landscaping within 12 months (condition 4))
6. Standard condition 38 (foul and surface water drainage)
7. Standard condition 101 (trees in relation to construction)
8. Standard condition 66 (Disabled people's provision C)

B1 APPLICATIONS (cont'd)

7 Code No: DER/02/09/00125

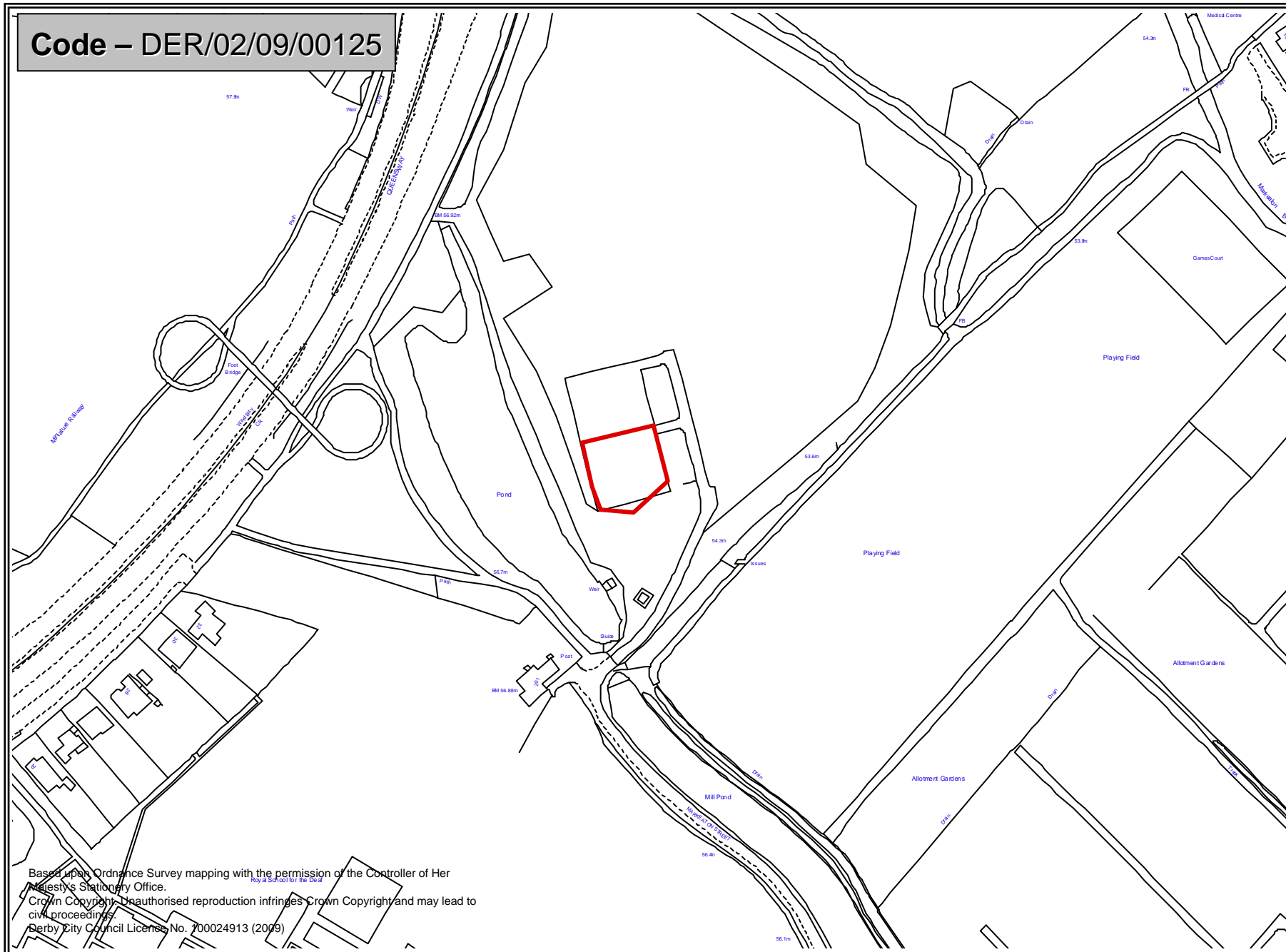
9. No development shall take place until a scheme of wildlife protection, mitigation and enhancement has been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented in accordance with an agreed timetable.
10. The development hereby approved, does not include the provision of any additional hardstanding, or alterations to the site access ways.

11.4 Reasons

1. Standard reason E14...policy E23
2. In order to protect the visual amenities of the area...policy E23.
3. To preserve the amenities of the area and in the interests of wildlife preservation...policies E2 and E4
4. Standard reason E10...policy E17
5. Standard reason E09...policy E23
6. Standard reason E21...policy GD3
7. Standard reason E32...policy E9
8. Standard reason E34...policy T10
9. In the interests of wildlife preservation and enhancement in accordance with policy E5 of the adopted City of Derby Local Plan Review.
10. For the avoidance of doubt and to preserve the amenities of the area ...policy E2 & E5 of the adopted City of Derby Local Plan review.

11.5 S106 requirements where appropriate: Not applicable.

Code – DER/02/09/00125



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