

## **B1    APPLICATIONS**

**1    Code No:** DER/106/7

**Type:** Reserved Matters

**1.    Address:** Site of 16 Edmund Road, Spondon

**2.    Proposal:** Erection of 18 Flats and car parking

**3.    Description:** The site currently has a large hipped roof detached house in the centre of the site with garden either side and to the rear. To the south west, there is a community centre with residential accommodation which has its car park adjacent to the 1m high boundary fence. On the rear boundary is a 1m high fence with 10m high trees adjacent to the boundary. There are also two 10m high trees within the community centre car park. Properties to the rear are 25 metres from the boundary and have a 0.5 -1m higher land level. A row of garages bound the site to the north east. The land level of the site increases by approximately 1m in the north eastern part and the existing property is slightly lower than the road level.

Two two-storey clipped roof buildings are proposed which have rooms in the roof space. Twelve flats are proposed in the building that would face Edmund Road and the access would be in the south western part of the site. The smaller of the two buildings is proposed in the southern corner of the site adjacent to the south western boundary. Opposite the site are a row of semi-detached hipped roof buildings which have retail uses on the ground floor and residential flats above.

**4.    Relevant Planning History:**

DER/705/1150 – Outline – Residential Development, granted 14 February 2006

DER/702/1032 – Outline – Erection of two dwellings, granted September 2002

DER/105/38 – Full - Erection of dwelling house, granted March 2005

**5.    Implications of Proposal:**

**5.1    Economic:** None.

**5.2    Design and Community Safety:** I have no objections to raise in respect of the design of the proposal.

**5.3    Highways:** The proposal is acceptable from the Highways aspect subject to the following requirements. Secure internal cycle parking should be provided and a maximum man carry distance of 30m to the refuse bins should be maintained. A Section 106 contribution towards transport corridor improvements and improvements to public transport,

## B1 **APPLICATIONS** (cont'd)

### 1 **Code No:** DER/106/7

pedestrian and cycling facilities has been secured as part of the Section 106 Agreement for the outline permission.

**5.4 Disabled People's Access:** One disabled parking space has been provided and mobility units have been secured by the Section 106 Agreement for the outline.

**5.5 Other Environmental:** None.

### 6. **Publicity:**

Neighbour Notification letter	10	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

**7. Representations:** One objection has been received from the residential part of the community centre. Concerns raised were:

- the boundary screening
- height of buildings in relation to existing dwellings
- insufficient parking
- not in keeping.

... A copy of the letter is reproduced.

### 8. **Consultations:**

STW – no objection subject to inclusion of a drainage condition.

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

- E11 - Trees
- H20 - Lifetime Homes
- ST12 - Amenity
- H21 - Residential Development – General Criteria
- E26 - Design
- E27 - Community Safety
- L3 - Public Open Space Standards
- L4 - Public Open Space Requirements in New Development
- T4 - Access, Parking and Servicing
- T10 - Access for Disabled People

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

## **B1    APPLICATIONS   (cont'd)**

### **1    Code No:   DER/106/7**

- 10.    Officer Opinion:** Outline planning permission was granted in February 2006. Therefore, the principle of residential development has already been established on this site. The main issues with regard to this proposal are the relationship with existing residential uses and whether the buildings are in keeping with the area.

The proposed building on the frontage of Edmund Road is set at an angle and faces towards the entrance to Dovedale Road and the end gable of the bungalow to the north west. There is a distance of 19 metres between first and second floor dormer windows of the proposed building and the residential flats above the retail units over the road. Due to the angle of the proposed building facing to the north west the windows would not be directly opposite. I therefore consider this to be an acceptable relationship.

The building proposed in the southern corner of the site is significantly smaller than the building on the frontage, only six flats are proposed. Adjacent to the south western boundary is a community centre (D1 Use non-residential institution) with residential accommodation. The residential part of the building is not adjacent to this boundary. There are high level windows on the north eastern elevation of the community centre facing the boundary and the car park adjacent. There is a 1.8m high fence 15m from the south western boundary of the site which encloses the rear garden of the residential part of the building. All rear windows of this residential use face to the east.

The rear elevation of the smaller of the two buildings would face south. Ground floor windows would not cause a significant overlooking concern as a condition controlling boundary treatment of a height of 2 metres would be placed on any permission. Properties to the south on Borrowfield Road are 55 metres away. The first floor windows are four bedroom windows and two bathroom windows. These windows would pose an overlooking concern; however, an amended plan which reduces the size of the bedroom windows and adds small windows to the end gables has been requested. The building has also been set 1m away from the boundaries.

The relationship between the two proposed buildings is considered acceptable as the frontage block faces east and the smaller building faces north. The frontage block is at a slight angle, however, the nearest windows are 15m apart and this is not a direct relationship. I therefore consider overlooking would not be significant between the two buildings. The larger block would not significantly overshadow the smaller one due to the location and layout of the buildings. The buildings would have the same land level as the existing property which

## **B1    APPLICATIONS    (cont'd)**

### **1    Code No:    DER/106/7**

is slightly lower than the road level. A condition requiring finished land levels shall be placed on any permission.

Eighteen car parking spaces have been provided with one disabled space and external areas for bin storage and motorcycle/cycle parking. A condition requiring the provision for access for disabled people can be placed on any permission as the car parking space shown does not provide easy access to the entrance to the building. There are no objections on highway grounds to the proposal as the layout plan was amended on the 30 January 2006 to incorporate concerns.

There are semi-detached dwellings to the east which have 25m long rear gardens and a higher land level. Due to the distance and change in land level the amenity of these properties would not be significantly affected. The end gable of the smaller building would be adjacent to the eastern boundary. There are small areas of amenity space within the courtyard area and the flats would provide a satisfactory living environment. There are two Silver Birch trees within the car park area of the community centre approximately 4 metres from the proposed building in the southern corner. The bottom of these trees has been partially tarmaced and I am awaiting an arboricultural view at the time of writing. There are also self seeded Sycamore trees on part of the eastern boundary within the garden areas of neighbouring properties. Subject to Arboricultural advice a condition in respect of these trees can be placed on any permission.

The appearance of the frontage building is considered to be in keeping with the road and surrounding area. The amended plan will show the insertion of doors on this elevation to improve the appearance in the street. Properties on the street are a mixture of gable and hipped roofs. The site is fairly large and does not have uniform two storey properties either side. In my opinion, a two and half storey building would not appear dominant in this location. The clipped hip roof serves to minimise the scale of the roof and the dormers do not dominate the roof space. The smaller building would be 21 metres from the road frontage and only the side gable would be visible. Windows are to be inserted in this elevation to provide relief.

To conclude, the proposal would not have a detrimental impact on the amenity of neighbouring residential properties, subject to the amendments outlined above. The appearance of the buildings are considered to be in keeping with the area and would not appear dominant in the street. The proposal therefore accords to the above mentioned policies and I recommend accordingly.

### **11.    Recommended decision and summary of reasons:**

## **B1    APPLICATIONS    (cont'd)**

### **1    Code No:    DER/106/7**

**11.1    A.    To grant** planning permission with conditions.

**B.    To authorise** the Assistant Director, Regeneration to remind the applicant that there are outstanding conditions of the outline permission that require discharging.

**11.2    Summary of reasons:** The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review 2006 and all other material considerations as indicated in 9 above. The proposal is not considered to have a detrimental impact on the amenity of neighbouring properties and the appearance of the area.

### **11.3    Conditions**

1. Standard condition 27 (external materials)
2. Standard Condition 19 (means of enclosure)
3. Standard Condition 24 – Date needs updating - During the period of construction works all trees, hedgerows and other vegetation to be retained shall be protected in accordance with BS:5837 : 2005 ("Trees in relation to construction"). Such protection shall be provided before other site works commence and shall be retained in position at all times until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.
4. Standing condition 67 (disabled peoples provisions)
5. Standard condition 70 (cycle parking) (substitute "residents" for "staff and customers").
6. Details of finished land levels shall be submitted to an approved in writing by the Local Planning Authority prior to commencement of development.

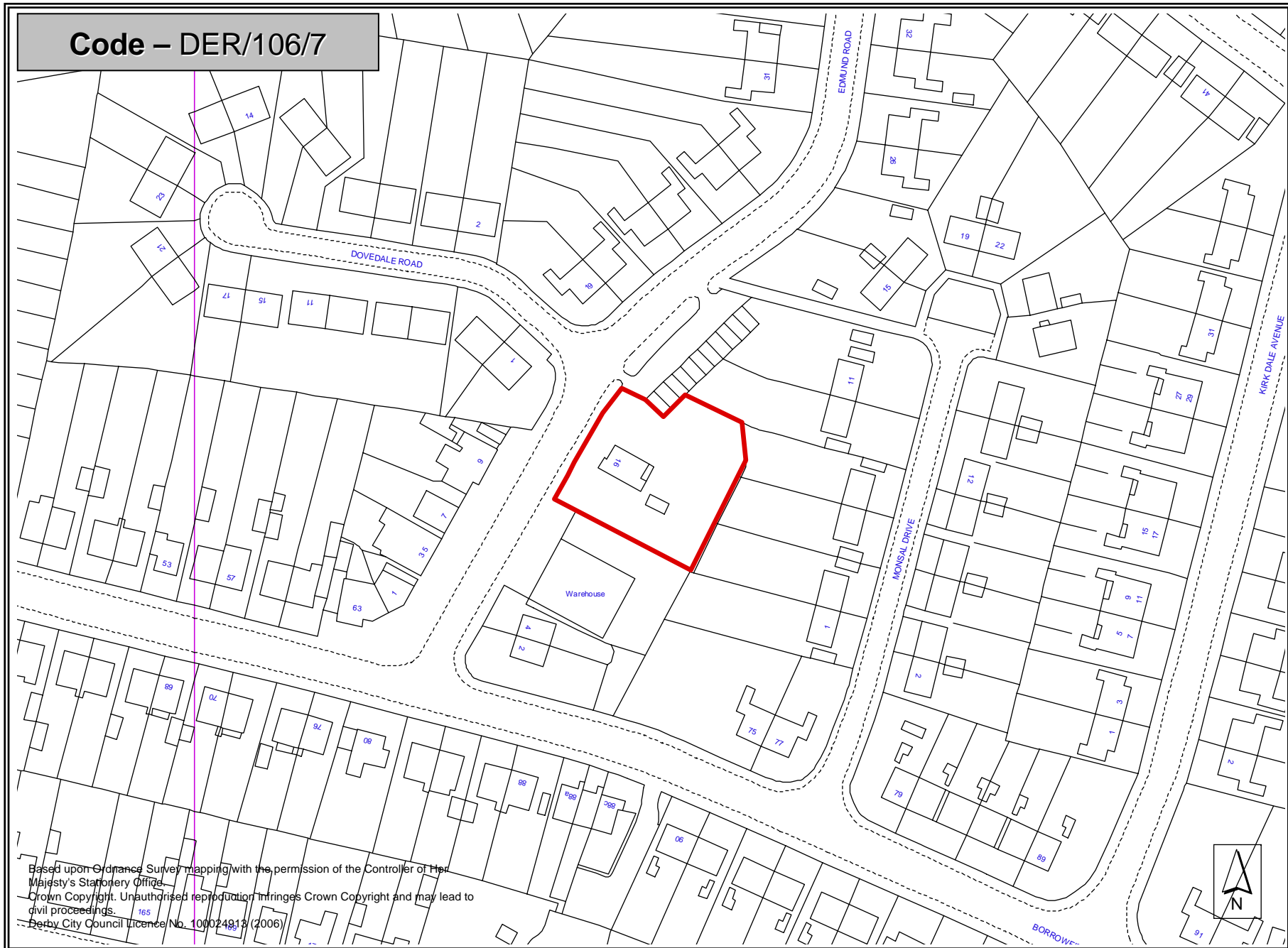
### **11.4    Reasons**

1. Standard reason E14....policy H21
2. Standard reason E14....policy H21
3. Standard reason E24....policy E11
4. Standard reason E34....policy T10
5. Standard reason E35....policy T4
6. To ensure that land levels are not increased to the detriment of the amenity of neighbouring residential properties and in accordance with policy H21 of the City of Derby Local Plan Review 2006.

**B1    APPLICATIONS   (cont'd)**

**1    Code No:   DER/106/7**

**Code – DER/106/7**



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

## **B1    APPLICATIONS    (cont'd)**

**2    Code No:** DER/106/88

**Type:** Reserved Matters

1.    **Address:** Land 40-46 Wye Street and rear of 1255-1263 London Road, Alvaston
2.    **Proposal:** Erection of ten dwelling houses.
3.    **Description:** Reserved matters consent is sought for residential development of ten dwellings comprising 9 No. two bedroom dwellings and 1 no. three bedroom dwelling.

The site is located on the eastern side of Wye Street which is off London Road. It is relatively flat, irregular in shape and some 0.15ha in size. The density would therefore be 67 units per hectare. The site is hard-surfaced and separated from neighbouring uses by a variety of fences and walls, some are in a dilapidated state. The site abuts residential properties to the north and east, retail uses to the south and Wye Street to the west, with more residential units beyond. There are some trees just beyond the eastern boundary that have branches overhanging the site.

Part of the site lies within the Alvaston District Centre. This part of the site was formerly linked with the site that is now occupied by Tesco on London Road. A full application for this retail unit and an outline application for residential on the application site were made in 2003. Both were granted permission, and in doing so the principle of residential development on a small section of the District Centre was established.

The development is composed of two separate terraces, one at the front of the site and one at the rear. The front terrace contains three dwellings and would be situated near to the northern boundary, adjacent to 48 Wye Street. The rear terrace, containing seven dwellings would more or less be parallel with the eastern boundary and would be staggered, braking up the long frontage. Vehicle access would be at the southern end of the site. There would be 15 parking spaces which equates to 1.5 spaces per unit.

The submitted plans show indicative planting and boundary treatments.

4.    **Relevant Planning History:** DER/0503/777 for outline permission for residential development was granted in 2005. The decision was subject to a Section 106 Agreement securing a financial contribution for incidental open space, affordable housing and mobility housing. In the absence of details of number of units, the agreement was phrased so that details of contributions would be subject to the precise nature of the reserved matters application.



## B1 APPLICATIONS (cont'd)

2 Code No: DER/106/88

### 5. Implications of Proposal:

5.1 **Economic:** None.

5.2 **Design and Community Safety:** In my view, the proposed development is acceptable in design terms. The scale of development relates well to the surrounding area and whilst it does not simply repeat the traditional terraced style found in Wye Street, the design does take reference from properties surrounding the District Centre. The layout incorporating the front terrace ensures continuity of development along the street frontage. As such I consider that the development is acceptable within the local context.

Whilst the internal layout is dominated by car parking in front of the rear terrace, any adverse impact of this upon the appearance of the development would be reduced by the staggered layout and the fact that only part of the parking area would be visible from the street scene.

I note the indicative proposed planting and subject to a landscaping condition am satisfied that the layout and appearance would be enhanced by a good scheme.

5.3 **Highways:** No objections subject to the access being increased in width to 4.8 and use of drop and taper kerbs. The principle of this proposal has been established under the outline consent and as such it is not reasonable or possible to impose additional requirements at this reserved matters stage, however if the principle were being considered today, a contribution towards public transport improvements would be required.

5.4 **Disabled People's Access:** The Section 106 Agreement made under the Outline Consent will secure a mobility unit. The remainder of units will have a degree of accessibility through compliance with the Building Regulations.

5.5 **Other Environmental:** None.

### 6. Publicity:

Neighbour Notification letter	28	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** No comments received to date.

## **B1    APPLICATIONS    (cont'd)**

### **2    Code No:    DER/106/88**

#### **8.    Consultations:**

DCommS (Arboriculture) – trees within the site have already been removed, therefore no objections.

STW – any response will be reported orally.

Police CPDA – the proposed development is basically well laid out but I have concerns about the proposed post and rail boundary fencing, both in terms of security and privacy. Pathways to the side of plots 7, 8 and 10 will require secure lockable gates to ensure good security.

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

- H21 - Residential development – General Criteria
- H20 - Lifetime homes
- T1 - Transport Implications of New Development
- T4 - Access, Parking and Servicing
- T8 - Provision for public transport
- E12 - Renewable energy
- E26 - Design
- E27 - Community Safety
- S3 - District and Neighbourhood Centres
- L3 - Public Open Space Standards
- L4 - Public Open Space requirements in New Development

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

- 10.    Officer Opinion:** The principle of residential development on this site is established under outline permission reference DER/503/777 and as part of this decision a legal agreement has been drawn up covering matters deemed necessary at the time of the agreement which will secure suitable contributions for open space and provision of mobility housing. In view of this, it is the detail of this reserved matters that must now be considered.

#### **Visual impact and design**

In section 5.2 of this report, I have set out my views on the visual impact of this scheme. To summarise, I am satisfied that it is well designed in itself and that it would relate well to the surrounding area. I therefore raise no objections on this point.

## **B1    APPLICATIONS   (cont'd)**

### **2    Code No:   DER/106/88**

I note the indicative proposed planting and subject to compliance with the landscaping condition on the outline I am satisfied that the layout and appearance would be enhanced by a good scheme.

#### Impact upon residential amenities and provision of a suitable living environment

The site abuts a number of existing residential properties and would, in effect, extend the established residential area to the north of the District Centre filling in a gap between the existing housing and retail areas. Properties most affected would be 48 Wye Street, to the north of the site, the Wye Street properties opposite the site and Eden Street dwellings to the rear of the site. However, having reviewed the proposal, I do not consider that the development would have any unreasonable affects upon these dwellings.

The site layout is commendable in terms of community safety, however boundary treatment and restricted access to shared paths must be considered by condition.

#### Privacy

There would be one window on the side elevations facing 48 Wye Street. This would be a first floor bathroom window on the side of unit 10 which would be located at the front of the site. The window would face the side elevation of 48 Wye Street but given the obscuration and position relative to 48 Wye Street would not cause any unreasonable overlooking.

Units at the rear of the site may have some views into the rear garden area of 48 Wye Street and there would be some impact upon privacy at this property. However, any views would be oblique, as the first floor front elevation window of unit 1 is located away from the side elevation nearest to the boundary. As such I do not think that the impact would be unreasonable.

Windows on the rear elevations of units 1-7 would face the rear of Eden Street properties, however the distance between the dwellings is generous and there would not be unacceptable overlooking. The rear garden areas of the new units would vary between some 7m and 11m and as such I am satisfied that this would be sufficient to prevent any unacceptable loss of privacy within the rear garden areas of Eden Street dwellings.

## **B1    APPLICATIONS    (cont'd)**

### **2    Code No:    DER/106/88**

#### Impact upon light and effect of massing

I consider that the proposed scheme is satisfactorily designed relative to existing dwellings to ensure that there would not be any harmful effects of massing or unreasonable loss of light.

#### Living environment at the new dwellings

I am satisfied that the proposed layout is arranged so that the new dwellings would enjoy a reasonable level of privacy and light to habitable rooms. The principle elevations face south east and north west which is reasonably advantageous in terms of using natural sunlight.

The site layout is commendable in terms of community safety, however boundary treatment and restricted access to shared paths must be considered by condition.

#### Car parking and access

The proposal provides satisfactory car parking and subject to an increase in the width of access and use of drop and taper kerbs, I am satisfied that the proposal is acceptable in this regard.

In view of the above, subject to changes to the access details I see no justification to refuse this application.

### **11.    Recommended decision and summary of reasons:**

#### **11.1    A.        To grant** planning permission with conditions.

**B.        To authorise** the Assistant Director, Regeneration to remind the applicants to comply with any outstanding conditions on the outline permission.

#### **11.2    Summary of reasons:** The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 above. The proposed development constitutes an acceptable use of this site and would provide dwellings with an acceptable quality of living environment without unreasonably affecting the residential or visual amenities of existing residential properties or the surrounding area. The development would be supported by adequate parking and access arrangements.

**B1    APPLICATIONS    (cont'd)**

**2    Code No:    DER/106/88**

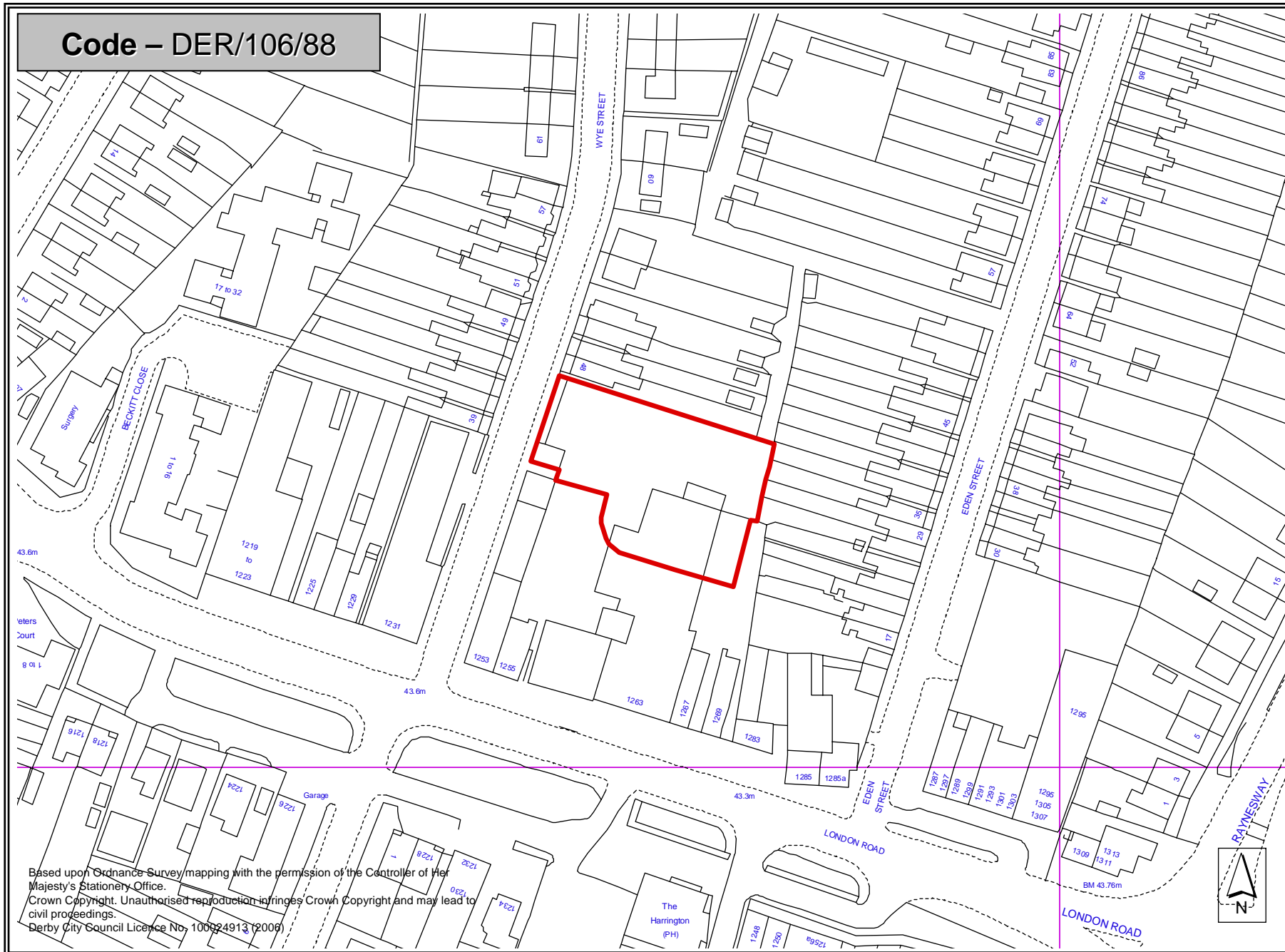
**11.3    Conditions**

1. Standard condition 09A (amended plans received on                    )
2. Standard condition 27 (materials)
3. Standard condition 19, amended to read...(and other means of enclosure to include measures for restricting access to shared rear access pathways shall be submitted....)
4. The vehicle access shall incorporate a drop and taper kerb, in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

**11.4    Reasons**

1. Standard reason E04
2. Standard reason E14....policy H21
3. In the interests of visual and residential amenities and of ensuring a secure living environment and because the post and rail fencing shown on the submitted plan is not considered to be sufficiently secure....policies H21 and E27
4. In the interests of traffic and pedestrian safety....policy T4

**Code – DER/106/88**



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

## **B1    APPLICATIONS    (cont'd)**

**3    Code No:** DER/1005/1699

**Type:** Full

1.    **Address:**    446 Nottingham Road
2.    **Proposal:**    Alteration and extension to retail unit to form 6 retail units
3.    **Description:**    At the meeting on 26 January Members resolved to grant planning permission for this development subject to a S106 Agreement relating to Highway transport corridor improvements. The proposal amounted to the removal of the front bay of the existing Motorworld shop and its extension to create a 6 unit retail building of 1157 sq metres retail floorspace. The applicant has now decided that it would be more viable to demolish the existing building and erect a new one. The footprint of the building is similar as is the floorspace at 1161 sq metres, but 7 units are now indicated.

The design of the deemed to be approved scheme, although very sketchy at submission stage, was brickwork with a flat roof behind a parapet upstand. The new building is indicated as half brickwork with profiled metal wall cladding above and a low angle monopitch metal roof. I am having further discussions on design but Members will appreciate that this isolated part of the district centre can have its own design style.

At the meeting on 26 January Members resolved to grant planning permission for this development subject to a S106 Agreement relating to Highway transport corridor improvements. The proposal amounted to the removal of the front bay of the existing Motorworld shop and its extension to create a 6 unit retail building of 1157 sq metres retail floorspace. The applicant has now decided that it would be more viable to demolish the existing building and erect a new one. The footprint of the building is similar as is the floorspace at 1161 sq metres, but 7 units are now indicated.

The design of the deemed to be approved scheme, although very sketchy at submission stage, was brickwork with a flat roof behind a parapet upstand. The new building is indicated as half brickwork with profiled metal wall cladding above and a low angle monopitch metal roof. I am having further discussions on design but Members will appreciate that this isolated part of the district centre can have its own design style.

The original and new scheme are very similar but a new application is required. The applicant is anxious to commence work on site and the purpose of this report is to seek authority to determine the new application at the end of the publicity period subject to a S106 Agreement with the same requirements as previously.

## B1 APPLICATIONS (cont'd)

3 Code No: DER/1005/1699

### 4. Relevant Planning History:

DER/1005/1699 – Alteration and extensions to retail unit to for, six retail units on land at 446 Nottingham Road – the meeting on 26 January authorised the granting of planning permission subject to a S106 seeking a contribution towards Highway corridor improvements. I anticipate the application will be withdrawn.

### 5. Implications of Proposal:

- |   |                      |
|---|----------------------|
| 5.1 <b>Economic:</b>                    | } as previous report |
| 5.2 <b>Design and Community Safety:</b> |                      |
| 5.3 <b>Highways:</b>                    |                      |
| 5.4 <b>Disabled People's Access:</b>    |                      |
| 5.5 <b>Other Environmental:</b>         |                      |

### 6. Publicity:

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

7. Representations: None to date but the expiry period will not have expired by the time of the meeting.

8. Consultations: Police CPDA - To be reported

### 9. Summary of policies most relevant:

- S1 - Retail hierarchy
- S2 - Retail location criteria
- S3 - District and neighbourhood centres
- E26 - Design
- E27 - Community safety
- E28 - Building security measures
- T4 - Access, parking and servicing
- T6 - Provisions for pedestrians
- T7 - Provisions for cyclists
- T8 - Provision for public transport
- T10 - Access for disabled people

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



**B1    APPLICATIONS (cont'd)**

**3    Code No: DER/1005/1699**

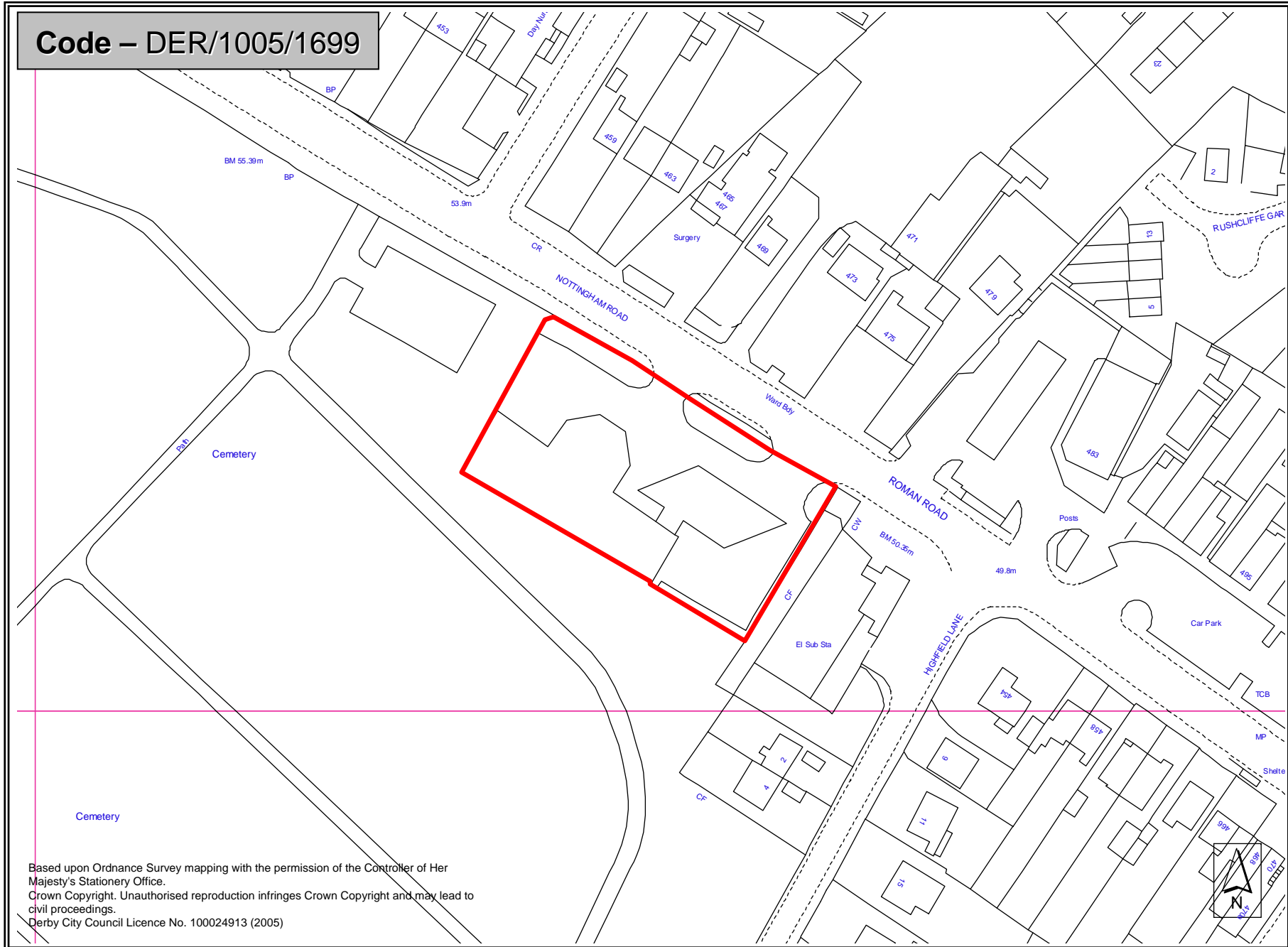
- 10.    Officer Opinion:**    The degree of difference between the original and new scheme is sufficient to require a new application but is nevertheless relatively limited. The applicant has time constraints and is anxious to commence work on site as soon as possible. The purpose of this report is to facilitate that given the relatively minor degree of change.

I am accordingly requesting authority to determine a new application at the end of the publicity period and subject to a S106 with similar requirements.

**11.    Recommended decision and summary of reasons:**

- 11.1    A.    **To authorise**** the Assistant Director to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.3 below and **to authorise** the Director of Corporate Services to enter into such an agreement; and
- B.    **To authorise**** the Assistant Director – Regeneration and Community **to determine** the application on conclusion of the above Agreement, in consultation with the Chair and Vice Chair if any adverse representations are received within the publicity period.
- 11.2    **Summary of reasons:**** The proposal has been considered against the City of Derby Local Plan Review Plan policies and other material considerations as summarised in 9 in the attached report and the merits of the proposal are considered to be acceptable.
- 11.3    **S106 requirements where appropriate:****    Contribution towards Highway transport corridor improvements.

**Code – DER/1005/1699**



Based upon Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.  
Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to civil proceedings.  
Derby City Council Licence No. 100024913 (2005)

## **B1    APPLICATIONS    (cont'd)**

**4    Code No:** DER/1205/1955

**Type:** Full

1.    **Address:**    Land at 81 Chestnut Avenue, Chellaston
2.    **Proposal:**    Erection of 6 dwelling houses and associated garages
3.    **Description:**    Full planning permission is sought to erect 6 detached dwelling houses and associated garages on this site which is located at the north end of Chestnut Avenue. Chestnut Avenue is a private road. The site is an irregular shape and it covers an area of approximately 490 sqm. The site accommodates a detached bungalow no. 81, and outbuildings associated with a former small scale agricultural use. It bounds the route of the former canal to the north and Boulton Moor to the east. The site is not allocated for any specific purpose in the City of Derby Local Plan Review (CDLPR).

The existing vehicle access to the site, between nos. 75 and 83 Chestnut Avenue, would be retained and an exit visibility splay would be provided to the front of no. 75. The proposed dwellings would be served by a private drive and the proposed dwellings, with the exception of the dwelling on plot no. 1, would face the drive. The siting of the proposed 2 storey dwellings has been devised to generally accord with the residential space standards of the City Council, with regard to spacing on site and between existing bungalows which front Chestnut Avenue.

### **4.    Relevant Planning History:**

DER/888/1215 – Residential development – outline permission refused 27 October 1988.

DER/103/67 – Residential development – outline permission refused – 2 May 2003.

DER/10003/1859 – demolition of existing dwelling and erection of 5 dwelling houses – permission refused and appeal dismissed – 8 December 2003.

As part of the planning appeal into this refusal the Inspector concluded that the principle of residential development on the site was acceptable. It was also concluded that an amenity argument put forward by the City Council, with regard to the perceived disturbance caused by additional vehicular traffic between nos. 75 and 83, was not a valid reason for refusal. The principal area of concern surrounded the absence of the required exit visibility from the site for vehicles. The appeal was, therefore, dismissed on highway safety grounds. The developer has sought to address that issue by securing land at the front no. 75.

## **B1 APPLICATIONS (cont'd)**

### **4 Code No: DER/1205/1955**

DER/605/927 – Erection of 6 dwellings application withdrawn – 29 July 2005.

The application was withdrawn by the applicant after concerns were expressed by the City Council about the overall scale of the proposed dwellings.

#### **5. Implications of Proposal:**

**5.1 Economic:** None.

**5.2 Design and Community Safety:** I raise no objections to the external design of the proposed dwellings.

**5.3 Highways:** I raise no highways objections to this proposal given that the required exit visibility splay for the site has been provided. This was a requirement of the dismissed appeal against the refusal under Code No. DER/1003/1859. That appeal established the acceptability, in principle, of 5 dwellings on the site. I estimate that additional daily vehicle movements to and from the site with 1 extra dwelling would be approximately 6 trips. I therefore, consider that, in view of the low vehicle speeds at this end of Chestnut Avenue, the proposal would not be unduly detrimental to highway safety. A letter of objection to the application, submitted on behalf of a number of local residents, states that a Traffic Impact Assessment (TIA) is required in this case. A proposal of this size does not warrant a TIA.

**5.4 Disabled People's Access:** Accessibility would be delivered through compliance with the Building Regulations.

**5.5 Other Environmental:** The site is bounded by mature hedges which I consider should be protected by a condition on any permission. The applicant has indicated that the hedges will be retained as part of the development of the site.

#### **6. Publicity:**

Neighbour Notification letters	64	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

The neighbour notification process for this application has been carried out twice as the original application form incorrectly indicated that the application was for five dwellings.

**B1    APPLICATIONS (cont'd)**

**4    Code No: DER/1205/1955**

7.    **Representations:** A total of 45 letters of objections have been received and copies will be available in the Chamber foyer. The objectors are concerned about issues such as the impact of the proposed development on the character of the area and overlooking into existing neighbours. Concerns are expressed about the detrimental impact of the proposal on highway safety and the problems associated with additional traffic on Chestnut Avenue. Objections are expressed about this issue as Chestnut Avenue is a private road which is maintained by the residents. It has also been alleged that the applicant is not the sole owner of the site. (The applicant has submitted certificate A and verbally confirmed that they are the sole owner of the site.)

8.    **Consultations:**

STW – recommends the inclusion of a standard drainage condition. In addition it has been stated that a public sewer crosses the site of which no buildings should be erected or trees planted within 7.5m of it. From my calculations the nearest part of the proposed development – the dwelling and garage on plot 4 – would be over 10m from that easement.

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

The most relevant policies of the adopted CDLP Review are:

H21 - Residential development  
L10 - Former residential development  
E26 - Design  
T4 - Access, parking and servicing

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

10.    **Officer Opinion:** The main planning issues with this application are, in my opinion, as follows.

Policy

There are implications for the proposal with regards to PPG3 - Housing. The site is occupied by agricultural buildings and hence it is not defined as previously developed land. The PPG states that no allowance should be made for Greenfield windfall sites. It is, however, unlikely that a refusal could be sustained purely on these grounds. It is important to note that the appeal Inspector, for the appeal into the

## **B1    APPLICATIONS    (cont'd)**

### **4       Code No:    DER/1205/1955**

refusal under Code No. DER/1003/1859, considered that residential development on the site was acceptable in principle. The site is relatively small and the development of it would, in my opinion, be acceptable in policy terms in this residential context.

#### Density

The guidance in PPG3 requires that housing sites should be within a density range of 30-50 dwellings per hectare. The density proposed with this application would equate to approximately 12 dwellings and so the proposal is at an appreciably lower density than the requirements of PPG3. However, in this case, consideration of the local residential character should be taken into account and, in my opinion, a high density development on this site would be distinctly out of character with the layout of the immediate area. I consider that this is a clear environmental reason for accepting a lower density on this site, in accordance with Policy H21 of the adopted CDLP Review.

#### Scale and Spacing of Development

The proposed two storey dwellings would be visible from Chestnut Avenue above the existing bungalows on this part of the street-scene. The objectors have concerns that the proposed development would be distinctly out of character with the existing street-scene. Chestnut Avenue is a contrasting mix of two storey dwellings and bungalows of varying types and scale and the proposed dwellings would be a modern addition to the street context. In my opinion, the existing street-scene is a piecemeal style of development and not a homogenous style and layout of residential development. I consider that the scale of the proposed dwellings is acceptable in this case and the spacing of the dwellings accord with the space standards of the City Council.

#### Highways

I am satisfied that the proposed development is acceptable in visibility terms from the site and the proposed levels of vehicle movement to the site would be acceptable in traffic safety terms. Issues such as the use of Chestnut Avenue to access the site, given that it is a private road, is a civil matter for the developer to resolve with the other road owners.

### **11.    Recommended decision and summary of reasons:**

#### **11.1    To grant planning permission with conditions.**

## **B1    APPLICATIONS    (cont'd)**

### **4    Code No:    DER/1205/1955**

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

#### **11.3    Conditions**

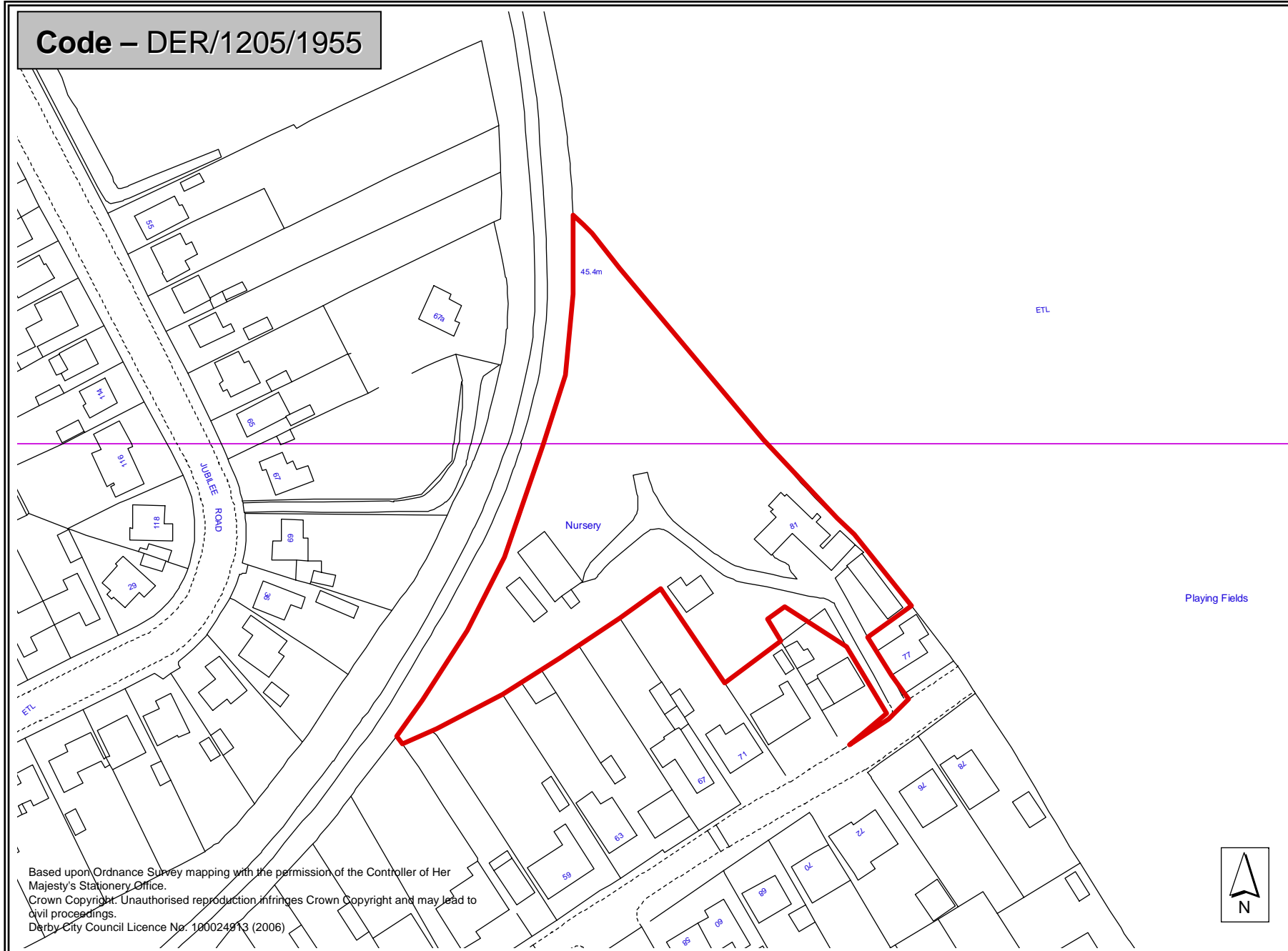
1.    Standard condition 27 (external materials)
2.    Standard condition 30 (hard surfacing)
3.    Standard condition 39 (disposal of sewage – occup of dwellings)
4.    Standard condition 20 (approval of landscaping scheme)
5.    Standard condition 22 (landscaping within 12 months – cond. 4)
  
6.    The landscaping scheme pursuant to condition 4 above shall include the retention and inclusion of the existing hedge which bounds the route of the former Derby Canal and Boulton Moor, unless otherwise agreed in writing by the Local Planning Authority.
  
7.    Before any of the dwellings are occupied the visibility splay across the frontage of No. 75 Chestnut Avenue and the access road shall be provided in accordance with the approved drawings. There shall be no plant, wall or other obstruction higher than 900mm above ground level within the visibility splay.

#### **11.4    Reasons**

1.    Standard reason E14 and in accordance with policy H21
2.    Standard reason E14 and in accordance with policy H21
3.    Standard reason E21
4.    Standard reason E14 and in accordance with policy H21
5.    Standard reason E14 and in accordance with policy H21
6.    Standard reason E14 and in accordance with policy H21
7.    Standard reason E19 and in accordance with policy H21

**11.5    S106 requirements where appropriate:**    None.

**Code – DER/1205/1955**



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



## B1 APPLICATIONS (cont'd)

5 Code No: DER/1105/1901

**Type:** Full

1. **Address:** 93 Green Lane (former Chest Clinic Building)
2. **Proposal:** Demolition of Existing Building and Erection of Assessment Centre and Overnight Accommodation
3. **Description:** Full planning permission is sought to demolish no. 93 Green Lane which is the site of the vacant former Chest Clinic. The site is located on the east side of Green Lane adjacent to the junction with Degge Street. The existing building is an imposing 2 storey Edwardian red brick building with a gable on the right hand side including bay windows at ground and first floor level. The existing front elevation to Green Lane, side elevation to Degge Street and rear elevation have timber sash windows at first floor level with the majority of the ground floor windows boarded up. The building has been extended at the rear and it links into a relatively modern single storey pitched roof building. That building is also vacant. An important design aspect of the application surrounds the impact of the proposed development on the setting of the adjacent listed buildings. These include the Grade II\* listed Metro Cinema/College building which is located on the opposite side of Degge Street. The group of buildings which are located diagonally opposite the site, including no. 73 Wilson Street and nos. 110 – 122 Green Lane, are also listed grade II and form a prominent and important part of the immediate street context.

... The design of the proposed building has been amended since the original submission. It was considered that the original submission did not respect the existing street context. The amended design strives to be sympathetic modern architecture which takes reference from important buildings in the locality. The architect has submitted a design statement to justify the design solution for the building in this location. A copy of that statement is reproduced for Member's reference. The amended design of the building includes the following components:

- The proposed building fronts Green Lane and it would be principally 3 storeys. The proposed right hand side of the front elevation includes a 4 storey gable which would centrally house a full height service flue to mirror the form of the gable which fronts the extruded section of the Metro Cinema/College building opposite the site.
- The proposed ground floor level would have vertical windows to serve the proposed administration and office accommodation. The top of the ground floor includes a cast stone string course, which would be above finished first floor level, to give the building a high 'plinth' ground level. It is important to note that the basement floor of the existing building would be removed, for construction

**B1    APPLICATIONS (cont'd)**

**5       Code No: DER/1105/1901**

reasons. The overall roof ridge height of the amended submission, from my calculations, is approximately the same height as the original from pavement level. The proposed building would be greater in height than the adjoining neighbours, nos. 89-91, and this respects the gradient of Green Lane. The proposed first and second floors fronting Green Lane would have smaller windows to serve the communal living accommodation. The proposed first and second floor windows would be separated by contrasting brick panels to disguise the regularity of the window openings.

- The proposed side elevation of the building fronting Degge Street partly mirrors the fenestration of the front elevation and it includes a glazed staircase from ground to second floor level. This feature would be obscure glazed. It has been suggested that the detail of this glazing could be designed in conjunction with students from the adjacent Art College.
- The proposed 3<sup>rd</sup> floor level of the side elevation fronting Degge Street would include aluminium louvers. I understand that this detail has been included to provide visual correlation with the eaves level of the main part of the front elevation on Green Lane.
- The proposed building includes a secondary 2 storey element at the rear which would be linked by the glazed main entrance to the building. The proposed rear 2 storey element includes a pitched roof and the ground level windows fronting Degge Street would match the style of the main building.
- The ground floor layout of the building has been designed to provide an enclosed courtyard which would be accessible from different parts of the building. The proposed courtyard would be surrounded by the building and it would have a 2m high brick wall on the boundary with the existing rear gardens of nos. 89-91 Green Lane. The provision of the courtyard is considered an important feature to enable users to have a secure private area to utilise.
- The footprint and upper floor internal layout has been designed to minimise overlooking from the proposed building into the rear gardens of nos. 89-91 Green Lane.
- The proposed external materials would be common to this area and they include traditional red brick, cast stone string courses and natural slate for the main roof of the building.

## B1 APPLICATIONS (cont'd)

### 5 Code No: DER/1105/1901

- The proposed site layout does not include any off street parking provision in this city centre location.

The agent for this application has provided a reasoned justification for the selection of this site for the proposal in land use terms. The justification is reproduced below for Member's consideration:

*The purpose of the justification is to consider how the proposed location for the Green Lane Centre meets the requirements of 'Wet Day Centres in the United Kingdom: A Research Report & Manual' commissioned by The King's Fund & Homeless Directorate. The Report outlines a short study of the work of 'wet' day centres in England for street drinkers. It has two parts, an account of the research undertaken and its findings and a 'development manual' in the form of guidance notes for those who are considering both the need for and how to establish similar facilities.*

*The proposal will provide a 30 bed hostel, incorporating a replacement Night Shelter, with the following accommodation:*

- *An Assessment Centre, including offices, interview rooms and GP's room. This would provide a single point of entry into homelessness services in Derby. There would be an initial assessment carried out and clients would then be either accommodated in the Night Shelter or referred on to a more appropriate setting based on their needs.*
- *First Stage accommodation, comprising 10 individual bedrooms, one of which is a double, with shared toilet and bathroom facilities, and a communal residents lounge and dining room, where meals prepared by Night Shelter staff would be provided. In general residents would be accommodated in the first stage accommodation when they first enter the hostel.*
- *A 3 bedroom cluster flat for women. Adjoining this would be 3 en-suite bedrooms, one of which will be wheelchair accessible, which could be either occupied as part of the women's accommodation, or alternatively occupied by vulnerable residents.*
- *Two further cluster flats, one providing accommodation for residents with a dependency on alcohol, where their drinking would be reduced in a planned and controlled manner.*
- *A suite of training rooms.*

*It does have to be recognised that the proposal to have an element of the accommodation at the proposed Green Lane Centre for people with a dependency on alcohol does not comprise a wet day centre – this is*

## **B1    APPLICATIONS    (cont'd)**

### **5       Code No:    DER/1105/1901**

*a fundamental difference as the proposal is for an accommodation-based service only. The King's Fund Report sets out a number of factors to be taken into account recognising that some users of a wet day centre will inevitably drink in the street on their way to or from the centre, and a high frequency of problematic behaviour will be noticed and brought to the attention of the Police, who will be obliged to intervene. The experience of the current accommodation based service for people with a dependency on alcohol in Derby at Centenary House – which recently won a national award – is that the residents stay in the accommodation all day and so problems with neighbours, etc do not occur. Indeed in the 12 months that this provision has been open no complaints have been received.*

*Nevertheless, certain of the locational requirements for a wet day centre would be similar to those for a night shelter with an element of the accommodation for people with a dependency on alcohol. For example, the Report highlights that wet day centres should not be in a residential area or next to a shopping or tourist area with high pedestrian densities and many visitors or areas that are very run down, uniformly depressing or the 'back of beyond'. The location should be accessible, which means principally that it is in walking distance from the town centre for the great majority of the likely clients. The Report concludes... 'In summary, the ideal area should be an unremarkable part of the inner city in which 'life goes on' but there is not a high density of residents.' The location chosen for the proposed Green Lane Centre meets many of the requirements set out in the Report.*

*The proposed location was chosen following the consideration of a number of potential sites by a range of partners and stakeholders. It has also been visited by Maf Potts, who is a Specialist Adviser in the Homelessness and Housing Support Directorate at the ODPM and the Project Manager of their Hostels Capital Improvement Programme, which is providing significant funding to the scheme.*

*Recommendations concerning the facilities to be provided at a wet day centre have also been provided in the Report. These again are similar to the kinds of facilities that are considered to be good practice to provide within a night shelter type provision, in order to meet the holistic needs of the individual. Therefore, there will be a doctor's surgery at the Centre, so that residents can access primary and other health care.*

*The accommodation for people with a dependency on alcohol (and each cluster flat) will be on a single floor, and will have separate staffing so that although the consumption of alcohol will be allowed on*

## B1 **APPLICATIONS** (cont'd)

### 5 **Code No:** DER/1105/1901

*the premises it will be in a controlled and managed environment, where the emphasis will be on reduction.*

*There will be interview rooms and adequate accommodation for staff, together with a range of training rooms, and benefits and housing advice will also be available.*

*The need for the accommodation-based service for people with a dependency on alcohol was identified in research commissioned by Derby City Council, which was carried out by Derby University. The proposal was developed by and discussed with a range of stakeholders including Derby City Council Officers – Housing and Social Services, Health, specialist providers of services for homeless people – Derbyshire Housing Aid and English Churches Housing Group, the Police and the Community Safety Partnership.*

*The Team taking forward the proposal would be happy for representatives of local residents and businesses to be included, and for discussions to take place with these representatives concerning representation on the management body for the proposed Centre. A service specification will be developed for the part of the Centre comprising accommodation for people with a dependency on alcohol, which will be managed by a provider with a proven track record, and subject to a contract with the City Council. The quality of the service provided will be continually monitored.*

*Although the proposed accommodation-based service is not a wet day centre, and so the locational requirements set out in the Report are not wholly relevant, the location, the facilities and the services to be provided do, nevertheless, meet many of the good practice guidelines set out in the Report.*

4. **Relevant Planning History:** None of any relevance to this proposal.
5. **Implications of Proposal:**
  - 5.1 **Economic:** The proposed use of the building would involve the employment of approximately 10-15 persons. The majority of these people would be permanently based at the proposed building and there would be an element of occasional 'hot desking' when staff from external agencies would be at the building.
  - 5.2 **Design and Community Safety:** I raise no over-riding objections to the amended design of the proposed building. It has been significantly

## B1 **APPLICATIONS** (cont'd)

### 5 **Code No:** DER/1105/1901

redesigned from the original submission and the amended scheme has received positive comments from Derby Cityscape. The architect has submitted a design statement to justify the design solution and any comments from English Heritage will be reported at the meeting. English Heritage is a statutory consultee given the juxtaposition to the Metro Cinema/College building, which is a grade II\* listed building. The impact of the proposed development on the setting of that building is, therefore, a material consideration in this case.

**5.3 Highways:** There is no on-site parking provision with the amended site layout. I raise no objections to the absence of any on-site parking provision in this city centre location.

**5.4 Disabled People's Access:** The amended design of the building is fully accessible which is welcomed.

**5.5 Other Environmental:** No natural environment issues to consider in this case.

### 6. **Publicity:**

Neighbour Notification letter	215	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

I authorised an extensive neighbour notification procedure for this application in conjunction with the Leader of the City Council. A total of 215 neighbour notification letters were sent out for the original submission.

**7. Representations:** The original submission attracted 145 letters of objection and 2 letters of support. All the neighbours have been re-notified about the amended submission and there has been further letters of objection to the amended application. The written representations will be available in the Council Chamber foyer.

The objections principally surround the issue of perceived anti-social activity involved with the operation of the proposed assessment centre and the detrimental impact of this use on residential amenities and businesses in this location. Particular concerns are expressed about the juxtaposition of the proposal to uses such as the Orchard Garden Children's Day Nursery at no. 87 Green Lane and the general issue of disorder which could occur with the functioning of the proposed use. The inclusion of a unit for persons with alcohol dependency is a major area of concern. The objectors have expressed concerns about the

## **B1    APPLICATIONS    (cont'd)**

### **5       Code No:    DER/1105/1901**

suitability of the proposed use in relation to the guidance outlined in the report commissioned by The King's Fund and Homelessness Directorate into the creation of Wet Day Centres in the United

Kingdom. A full copy of that report will be available in the Member's rooms and the agent's justification for the proposed location of the centre is contained in part 3 of this report.

A large number of objections refer to the alleged partiality conflict of the City Council in view of the Council's corporate commitment to the purchase of the site - as outlined in the Cabinet report of 29 November 2005. The objectors feel that the City Council has disregarded the process of public consultation at the pre-application stage in order to meet financial deadlines.

Concerns have been expressed about the impact of the proposed demolition of the existing building and the proposed replacement building in this street context. Concerns are expressed about the proposed relationship of the building to the Grade II\* listed Metro Cinema/College building and the overall impact of the building in this part of the street-scene.

### **8.       Consultations:**

CAAC – in relation to the original submission it was recommended that planning permission be refused on the grounds of the detrimental impact on the setting of the adjacent listed buildings and the excessive height, scale, mass and inadequate detailing of the proposed building. I anticipate that the comments of the Chair of CAAC in relation to the amended scheme will be reported orally at the meeting.

English Heritage – raised strong objections to the original submission. It was recommended that permission be refused as the proposed building would *form an incongruous and unsympathetic element in Green Lane...and would have a severe detrimental impact on the immediate setting of the listed building.* Any further comments in relation to the amended scheme will be reported orally at the meeting.

DCS (Health) – no comments.

Derby Cityscape – comments in relation to the amended scheme will be reported at the meeting.

Police – comments in relation to the amended scheme will be reported at the meeting.

**B1    APPLICATIONS (cont'd)**

**5       Code No: DER/1105/1901**

STW – recommends the inclusion of a drainage condition on any permission.

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

The relevant policies of the adopted CDLP are:

ST12 - Amenity  
H21 - residential development – general criteria  
L12 - new community facilities  
E26 - design  
E27 - community safety  
T10 - access for disabled people  
T4 - access, parking and servicing.

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

**10.    Officer Opinion: The main planning issues are addressed below:**

**Land Use & Amenity**

The site is not allocated for any specific purpose in the adopted CDLP Review. The existing building is not listed nor is it included on the Council's Local List of locally important buildings. The site is not located in a Conservation Area. The redevelopment of the site should, therefore, be considered on its merits and in accordance with the relevant plan wide policies of the adopted CDLP Review. In my opinion the most relevant policies for consideration of the proposed land use are, in this case, policies ST12, H21, L12, and E27.

Policy ST12 is a General Development Policy which essentially seeks to ensure that 'new development should not seriously detract from the amenity of nearby land, property or the occupants of these'. Policy H21 includes general criteria for residential development proposals and it requires a 'satisfactory form of development and relationship to nearby properties' to be created. Policy L12 includes criteria for the establishment of community uses throughout the city and an emphasis is placed on the creation of centres close to the intended recipient population. Policy L12 also promotes the full use of existing land and buildings.

In my opinion, the central land use theme of this application surrounds the perceived disturbance created by the establishment of the proposed centre in this part of the city centre which is mixed residential and commercial in character. The users of the proposed centre would



## **B1    APPLICATIONS   (cont'd)**

### **5       Code No:   DER/1105/1901**

principally arrive on foot at different times of the day and night as the centre would be open for 24 hours. It is one of the main concerns of local residents and businesses that the movement of people to the site will result in noise and disturbance for locals. The objectors to this proposal consider that the proposed site selection fails to meet guidelines laid down in the report of The King's Fund & Homeless Directorate, with particular reference to the perceived problems associated with street drinking. In response to these concerns the agent has justified the site selection with reference to research into the need for this facility and input from the ODPM and local stakeholder groups. I am unaware of any evidence from the Police to demonstrate how a centre of this size would operate in a location such as this. The impact of the proposed centre on the immediate locality will depend on the running of the centre and the effectiveness and experience of the management body to control the behaviour of persons inside and immediately outside the building. If Members are minded to grant planning permission for this proposal I consider that a condition be attached to ensure that the management body of the centre comprise members of the local community. I consider that this is essential to ensure that the centre maintains direct links with the local community in the interests of transparency and local accountability. The agent has also suggested this course of action. The importance of good management would also need to be coupled with a good working relationship with the Police.

It is recognised that there is a need for the proposed centre in this area and the agent considers that the location of the centre would be accessible for service users and would readily address the issue of homelessness in the city centre.

#### **Design Considerations**

The design of the proposed replacement building has been significantly amended from the original submission and, in my opinion, it is now an acceptable form of development for the following reasons:

- The siting and design of the proposed building makes good use of the site by providing a form of modern architecture which draws reference from the scale of Green Lane and existing design components of surrounding buildings.
- The site is juxtaposed to the grade II\* listed Metro Cinema/College building yet the proposed building would not detract from the overall appearance of that building by virtue of height, scale, mass or elevation detailing.

## **B1    APPLICATIONS    (cont'd)**

### **5       Code No: DER/1105/1901**

- The scale of the building respects the gradient of Green Lane and it steps up from the neighbours to the north to provide a logical progression in the street-scene.
- The proposed building includes features of interest such as the front elevation gable and flue which add variety to the street-scene. The inclusion of the proposed vertical staircase window on the Degge Street elevation also adds visual interest to the public face of the building.
- The layout of the proposed building seeks to minimise overlooking into the private rear gardens of nos. 89-91 Green Lane.
- The proposed ground level layout provides a secure courtyard area which could be used to improve the living conditions of users of the centre.

In my opinion, the proposed building conforms to policies H21, E26 and L12 by providing a high standard of design in this case.

#### Procedural Matters

A large number of objections refer to the alleged partiality conflict of the City Council in view of the Council's corporate commitment to the purchase of the site - as outlined in the Cabinet report of 29 November 2005. A request was made for the application to be called in to the ODPM for determination and a draft copy of this report was sent to GOEM. GOEM has confirmed that the application will not be called in for determination.

### **11.    Recommended decision and summary of reasons:**

#### **11.1    To grant permission with conditions.**

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

#### **11.3    Conditions**

1.    Standard condition 83 (drawing nos. 01.10 Revision A, 01.11 Revision A, 01.12 Revision A & 01.13)
2.    Standard condition 27 (details of external materials)
3.    Standard condition 67 (disabled people's provision (B))
4.    Standard condition 19 (means of enclosure)

## **B1    APPLICATIONS    (cont'd)**

### **5        Code No:    DER/1105/1901**

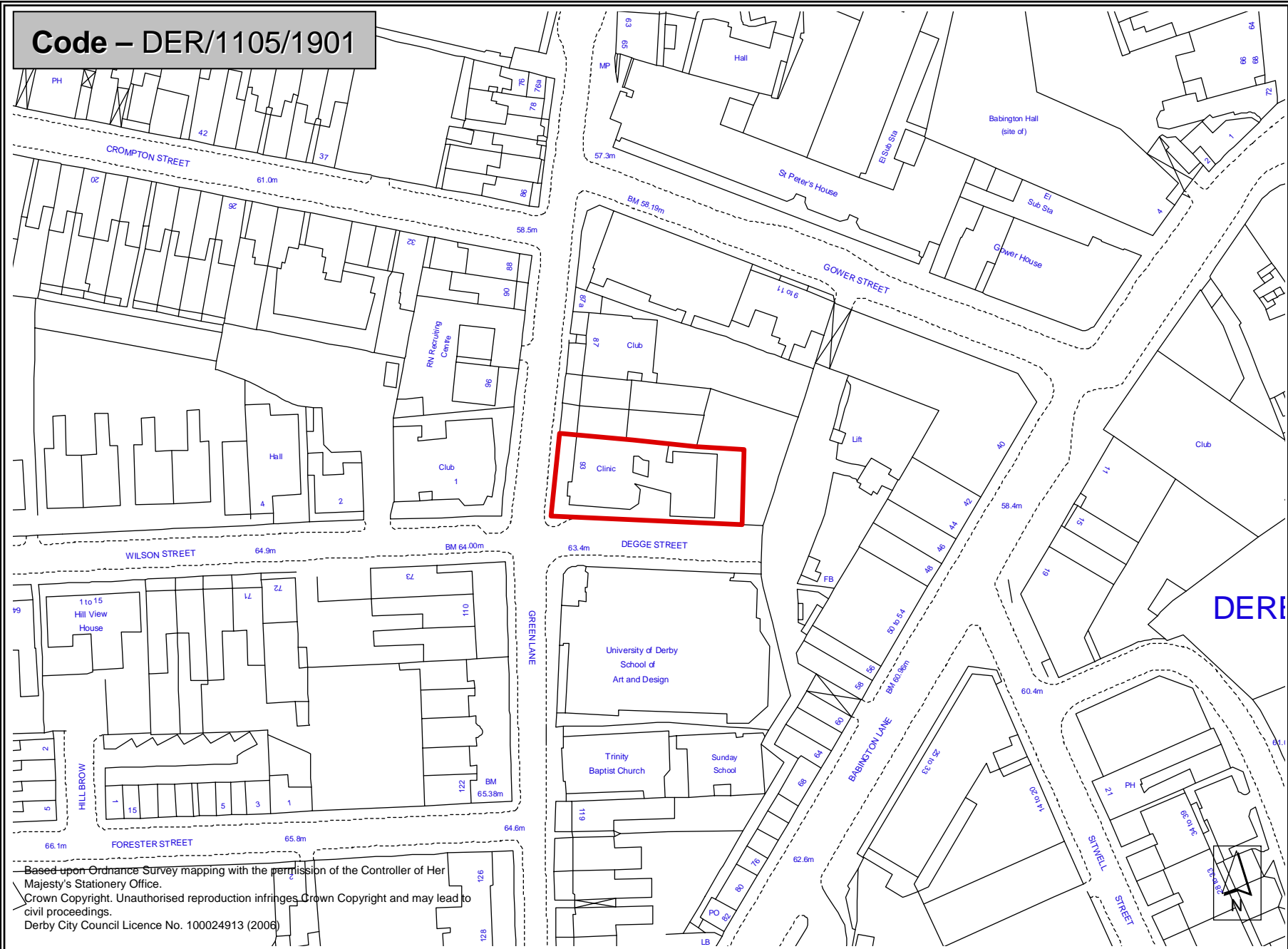
5.    Standard condition 99 (drainage)
6.    The management body of the proposed assessment centre shall comprise members of the local community. The proposed format of the management body shall be submitted to and agreed by the Chair and Vice Chair of the Planning Control Committee and the agreed management body shall be implemented and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

#### **11.4    Reasons**

1.    Standard reason E04
2.    Standard reason E14 (Policies H21, E26 and L12)
3.    Standard reason E34 (Policy T10)
4.    Standard reason E27 (Policy H21)
5.    Standard reason E21
6.    To ensure that the management of the proposed assessment centre comprises representatives from the local community in the interests of maintaining close working links between the community and this community focused organisation.
- 7.

#### **11.5 S106 requirements where appropriate: None.**

**Code – DER/1105/1901**



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

**B1 APPLICATIONS (cont'd)****6 Code No:** DER/1205/2026**Type:** Full

1. **Address:** 9 The Square, Micklegate
2. **Proposal:** Change of Use from Use Class A1 (Retail) to Use Class A2 (Financial and Professional Services) on ground floor.
3. **Description:** This full application seeks permission for the change of use of No. 9 The Square to Use Class A2 (Financial and Professional Services). The property is at present a Retail Shop. No. 9 The Square is situated close to the junction of The Square and The Hollow, and is within both the defined Micklegate District Centre and the Micklegate Conservation Area. This part of the District Centre has a variety of Residential, A1 (Retail) and A2 (Financial and Professional Services) uses at ground floor level. No physical alterations to the external appearance of the building are proposed, and it is not a listed building.
4. **Relevant Planning History:** None relevant.
5. **Implications of Proposal:**
  - 5.1 **Economic:** None
  - 5.2 **Design and Community Safety:** No objections
  - 5.3 **Highways:** No objections
  - 5.4 **Disabled People's Access:** No change to existing
  - 5.5 **Other Environmental:** None
6. **Publicity:**

Neighbour Notification letters	5	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			
7. **Representations:** I have received three letters of objection, and one letter of objection signed by nine people. These are reproduced. The main issue raised is that of the loss of a retail shop in this Conservation Area location.
8. **Consultations:**

CAAC – no objections

**B1    APPLICATIONS (cont'd)**

**6    Code No: DER/1205/2026**

**9.    Summary of policies most relevant: CDLP Review Policies:**

- S1    - Shopping hierarchy
- S3    - District and neighbourhood centres
- E21   - Conservation areas

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

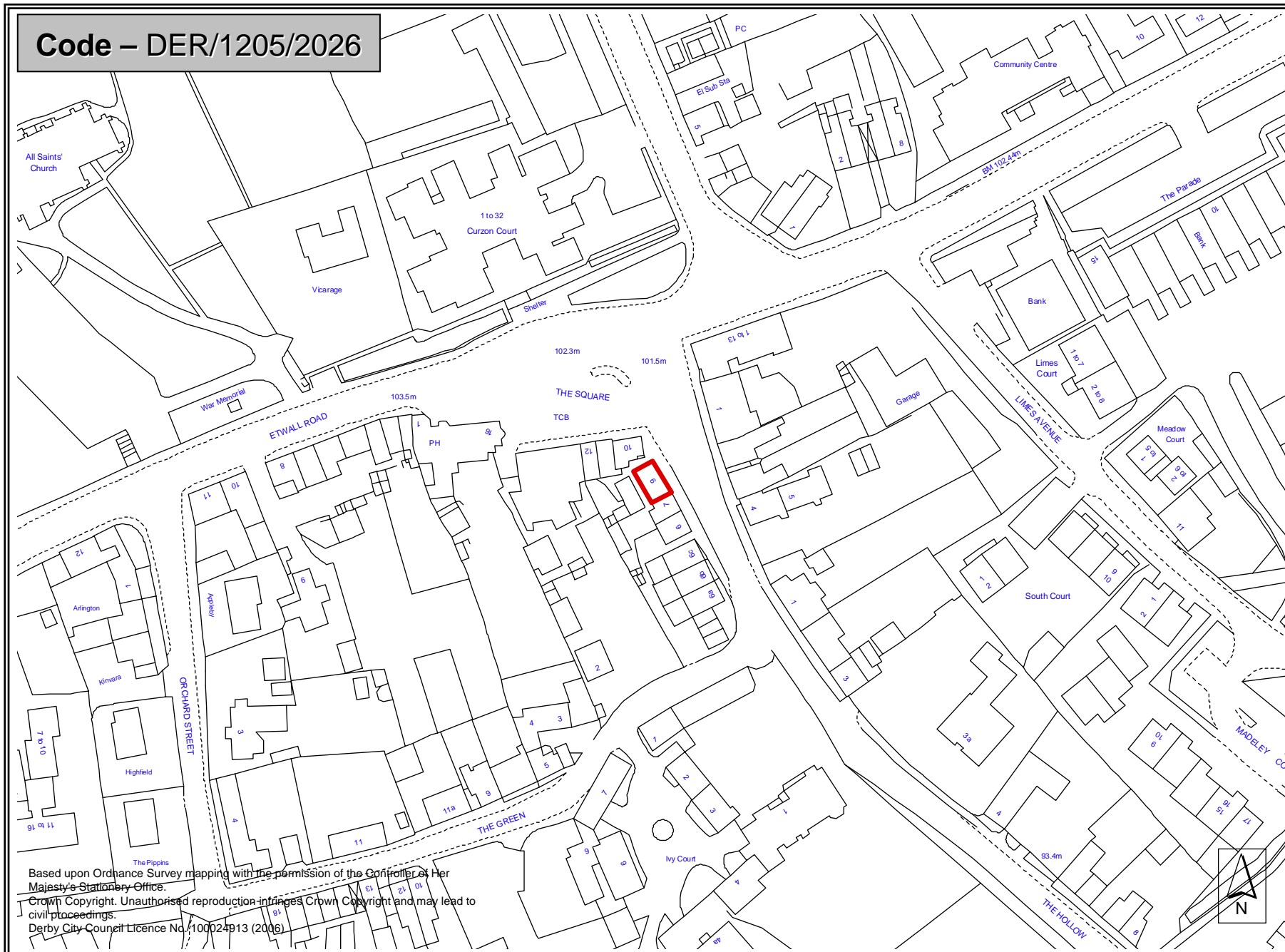
**10.   Officer Opinion:** There are no policy objections to raise to this proposal. A2 uses are perfectly acceptable in a District Centre location. Current policy allows for a range of uses in District Centres which are compatible with the scale, nature and function of the centre. This is subject to not reducing the A1 (Retail) uses to a degree that would detract from the vitality and viability of the District Centre. In this particular case, the centre is at present in a generally healthy state and so it is unlikely to suffer any adverse effects on its overall vitality and viability should this proposal go ahead. There would be no adverse effect on the physical nature of the Conservation Area as no physical alterations are proposed for the building. No objections are raised by the CAAC, and although I have looked closely at the points raised by objectors, I am aware of no valid grounds to withhold permission. I therefore support the proposal.

**11.   Recommended decision and summary of reasons:**

**11.1   To grant** planning permission unconditionally.

**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. The proposal involves a change of use that is acceptable in the District Centre location, within the Mickleover Conservation Area.

**Code – DER/1205/2026**



## **B1    APPLICATIONS    (cont'd)**

**7    Code No:** DER/106/58

**Type:** Full

1.    **Address:**    43 Sadler Gate
2.    **Proposal:**    Extension to shop
3.    **Description:** This application relates to the former Roomes fish shop on Sadler Gate which is currently being renovated. A new shopfront and roller shutters were approved in October last year.

Planning permission is sought for a single storey flat roof extension to the rear of these premises measuring 6.5m x 5.6m of a height of 3.3m. The premises are a non-listed building within the City Centre Conservation Area. The proposal would be within an enclosed courtyard. Part of an exiting building in the courtyard has been demolished, however, it was under the size limit for requiring Conservation Area Consent.

4.    **Relevant Planning History:**

DER/605/914 – Installation of shop front and change of use of first floor from offices to retail (Use Class A1) and external security shutters, granted October 2005

DER/605/915 – Display of non illuminated hanging sign, granted July 2005

DER/391/308 – Restoration of 3<sup>rd</sup> floor and roof, granted July 1991

833/943 – Installation of a new shop front, granted Oct 1983

781/1039 – Change of use from warehouse/storage premises to retail, granted July 1981

779/456 – Conversion of part of ground floor to cold store and alterations to 1<sup>st</sup> floor workroom, granted May 1979

5.    **Implications of Proposal:**

5.1    **Economic:** None.

5.2    **Design and Community Safety:** I have no design objections to raise.

5.3    **Highways:** None.

5.4    **Disabled People's Access:** Not applicable



**B1 APPLICATIONS (cont'd)**

**7 Code No:** DER/106/58

**5.5 Other Environmental:** None.

**6. Publicity:**

Neighbour Notification letter	2	Site Notice	
Statutory press advert and site notice	*	Discretionary press advert and site notice	*
Other			

**7. Representations:** Derby Research Group – may lead to the erosion of historic fabric without due consideration being given to its historic value with the City Centre Conservation Area.

**8. Consultations:**

CAAC – The Committee noted that the proposal would involve the partial demolition / alteration of an existing building, details of which were not shown on the submitted plans. The Committee therefore recommended that the application be deferred pending the submission of such detail. Notwithstanding the absence of these details, the Committee considered that the treatment of the proposed flat roof was inappropriate within the conservation area and requested that amendment be sought to provide at least a parapet to the flat roof if not a pitched-roof arrangement. It was considered that there may be an opportunity for a parapetted flat roof to be laid as a 'green' roof.

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

ST12 - Amenity  
CC2 - City Centre Shopping Area  
CC12 - Sadler Gate/Strand Arcade Special Shopping Area  
E21 - Conservation Areas  
E24 - Archaeology  
E26 - Design  
T4 - Access, Parking and Servicing  
T10 - Access for Disabled People

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

**10. Officer Opinion:** The proposal is a single storey extension to the rear of an existing retail use and there are retail uses either side of the building. The premises to the east has a single storey extension to the rear with a blank wall on the boundary. The building to the west has a 5-6m high blank wall on the boundary. The courtyard area where the

**B1    APPLICATIONS    (cont'd)**

**7    Code No:    DER/106/58**

extension is proposed is completely enclosed by larger buildings surrounding it. Therefore the impact on amenity and the character and appearance of the conservation area would be minimal. It would not be viewed from any street and the courtyard is only accessed by a narrow passageway.

The extension would have a flat roof, however, I do not consider that it is unacceptable in this location as it is not visible from Sadler Gate. In my opinion, a refusal on design grounds would not be sustained at appeal.

Due to the location of the extension and the fact it cannot be viewed from any street within the conservation area I consider the proposal to accord with the above mentioned policies and recommend accordingly.

**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 and all other material considerations as indicated in 9 above. The proposal is acceptable as it is not considered to significantly impact upon the character and appearance of the conservation area.

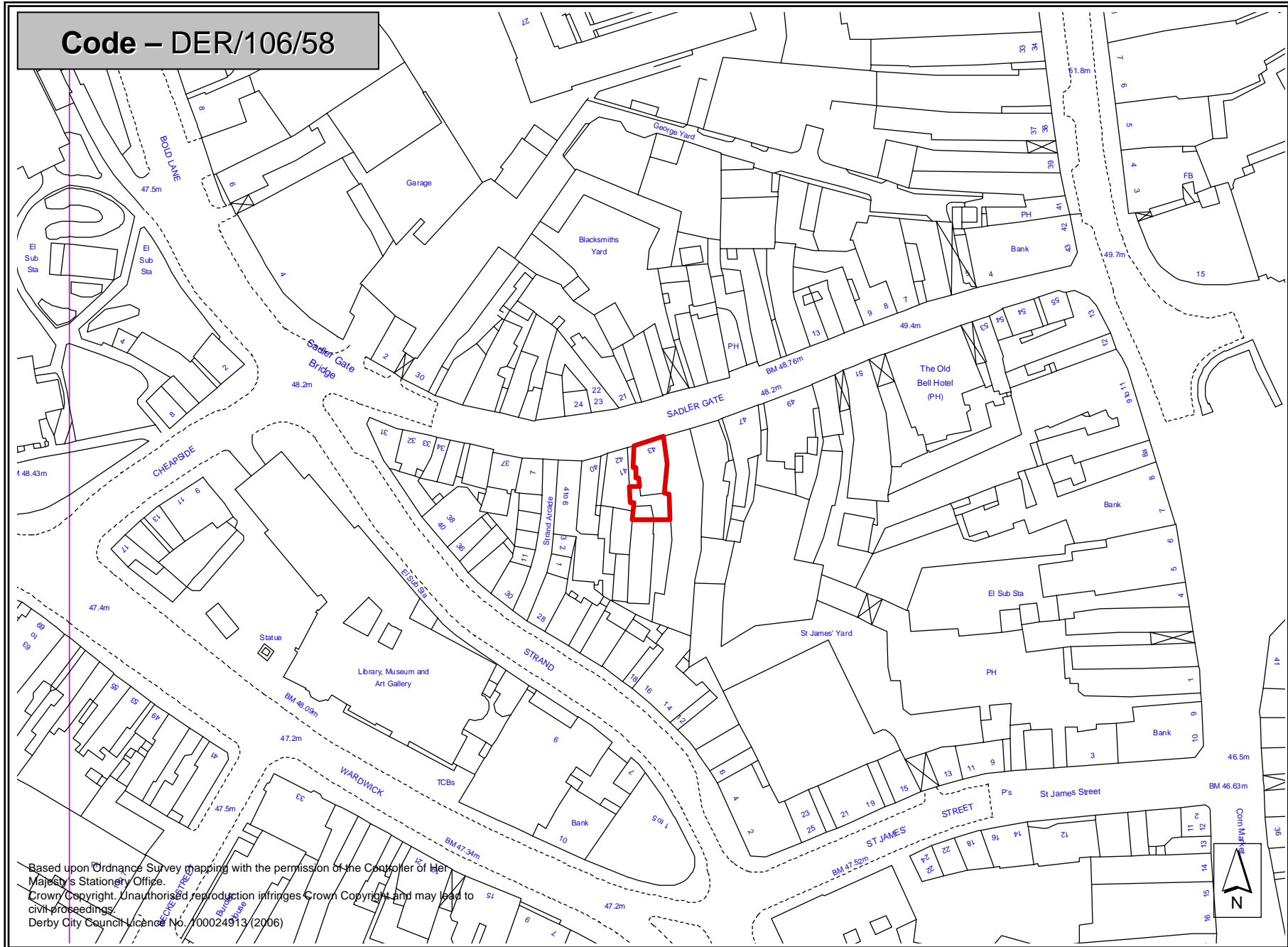
**11.3    Condition**

Standard Condition 27

**11.4    Reason**

Standard Reason E14....policy E21

**Code – DER/106/58**



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

## B1 APPLICATIONS (cont'd)

8 Code No: DER/1205/2036

**Type:** Full

1. **Address:** Site of Elmhurst, Lonsdale Place
2. **Proposal:** Residential development together with associated works
3. **Description:** This full application seeks planning permission for residential development on the site of Elmhurst, Lonsdale Place between Lonsdale Place and Nos. 3-15 (odd) Rowditch Avenue. It is proposed to erect an apartment building of four and five storeys, that would provide 34 units on the site. The proposed building would be 16.4m high at its highest point.

Vehicular access to the site would be from Lonsdale Place, and surface parking would be provided for 34 cars. The proposed building would be situated down the middle of the site, and would be in two parts linked by a bridge. The proposed building would be of a traditional pitched and hipped roof design, although at this stage no details of exact external materials are submitted.

The application site slopes from north to south, and is bounded on the west by the curtilages of two storey dwelling houses in Rowditch Avenue. To the east of the site on the opposite side of Lonsdale Place are two storey dwelling houses. The site contains a number of trees protected by Tree Preservation Order. To the south of the site is a major Grade II listed building, Lonsdale Hall, that is two and three storeys in height. At the present time, the site is occupied by a two and three storey vacant building.

4. **Relevant Planning History:** None directly relevant.
5. **Implications of Proposal:**
  - 5.1 **Economic:** None.
  - 5.2 **Design and Community Safety:** The design of the proposed building is relatively appropriate for this setting, and would feature a variety of external materials plus some glazed areas. I am however greatly concerned about the height and massing of the proposed building both in relation to existing housing to the east and west, and in relation to the setting of Grade II listed building situated immediately to the south of the site.
  - 5.3 **Highways:** No major objections are raised. 2.0m x 2.0m by 45 degree pedestrian visibility splays should be provided on both sides of the existing and proposed accesses. The gradient of the two accesses should not be steeper than one in 14 for the first 4.5m from the highway

## B1 **APPLICATIONS** (cont'd)

### 8 **Code No:** DER/1205/2036

boundary. Secure internal cycle and motorcycle parking should be provided. 100% car parking as proposed, is acceptable in this location.

**5.4 Disabled People's Access:** The proposed car parking for disabled persons, and the provision of lifts are quite acceptable. Three mobility units on the ground floor will be required.

**5.5 Other Environmental:** The site contains a number of very good quality trees, which are protected by a group Tree Preservation Order. Some tree removal is proposed, and the advice of the Arboricultural Officer has been sought.

### 6. **Publicity:**

Neighbour Notification letter	28	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

**7. Representations:** I have received 14 letters of objection, and these are available in the Members' room. The main points raised by objectors are:

- the proposed building is too high and over dominating
- the proposal would block out existing light/views
- property values would be badly affected
- the proposal is wholly out of keeping with the locality
- adverse impact on the five trees on the site
- the infrastructure of the locality could not cope
- the design of the proposal is inappropriate
- impact on the listed building
- parking situation in Lonsdale Place will be for worse
- redevelopment will cause great disturbance in the locality.

Any further representations will be reported at the meeting.

### 8. **Consultations:**

DCS (Estates) – no objections.

DCorps (Health) – a preliminary site investigation report is required to be submitted. Where the study identifies potential contamination, an intrusive site investigation and risk assessment should be carried out to determine levels of contaminants and potential risks to users and other

## B1 APPLICATIONS (cont'd)

### 8 Code No: DER/1205/2036

receptors. Where contamination exists a remediation report and validation statement will also be required.

DCS (Housing) – the site at Lonsdale Place is situated within the Central Derby Housing Market Area. The Housing Needs and Market Study 2001 shows the highest level of housing need in this area, and it also identifies the city centre as one of the two most desirable areas to live in the city. In order to address the high level of need and demand we would seek to secure up to 30% affordable housing on this site.

The applicants have submitted an appraisal which indicates that the provision of affordable housing at Lonsdale Place is not financially viable. However, I am concerned that within this financial viability, there appears to have been no detailed analysis of the figures submitted. I would have expected to see comment made on the build costs and market values and whether they were appropriate, and also what level of affordable housing could be provided considering the impact on profitability.

On the basis that the financial appraisal submitted does not provide this information or detailed analysis we would still look to achieve up to 30% affordable housing from this site. I am happy to consider this again if a more robust appraisal is provided. This appraisal should be commissioned by Derby City Council and paid for by the applicant.

CS (Arboriculturalist) – due to the importance of the trees, their maturity and location I feel that it is essential that we process no further without a full and detailed tree survey as per BS 5837:2005 Trees in Relation to Construction. A detailed method statement explaining how the building works should be carried out, and submitted to the City Council, for approval.

Police ALO – to be reported.

### 9. Summary of policies most relevant: Local Plan Review.

- ST12 - Amenity
- H19 - Affordable Housing
- H20 - Lifetime Home
- H21 - Residential development – General Criteria
- E11 - Trees
- E12 - Renewable Energy
- E22 - Listed Buildings and Buildings of Local Importance
- E26 - Design
- E27 - Community Safety
- L3 - Public Open Space Standards

## B1 APPLICATIONS (cont'd)

### 8 Code No: DER/1205/2036

- L4 - Public Open Space Requirements in New Development
- T4 - Access, Parking and Servicing

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

**10. Officer Opinion:** In policy terms, there is no objection to a residential scheme of some intensity on this site. The locality is predominantly residential in character, and there are no land use objections. With regard to highway factors the vehicular and pedestrian access points are both from Lonsdale Place. Adequate car parking can be provided on the site, including adequate parking provision for disabled persons. As indicated in this report, there are no highways objections subject to the provision of adequate visibility at the two proposed access points. Similarly, I have no strong objection to the position of the building on the site, subject to it being of an acceptable height. While the broad principles are acceptable, a number of issues need to be resolved. The issues that are of the greatest concern regarding this proposal are:

1. The relationship of the proposal to the existing residential properties in Lonsdale Place and Rowditch Avenue.
2. The relationship of the proposal to the Grade II listed building immediately south of the application site.
3. The impact of the proposal on the group Tree Preservation Order.
4. The issue of Affordable Housing.

I am very concerned about the issue of the relationship of the proposed building with the adjacent two storey houses in Lonsdale Place and Rowditch Avenue. While I have no major objection to the actual design of the proposed building, its height and overall scale is considerable. Much of the proposed building is four and five storey in character yet would be located only some 27.0m away from traditional two storey dwelling houses on the east side of Lonsdale Place. I am concerned that it could give rise to an unacceptable degree of overlooking into the curtilages of the Lonsdale Place properties, and to an unreasonable degree of physical domination of those properties by reason of the distance separating them. While the proposed building is further from the site boundary than the existing building, it is higher and considerably greater in overall volume. For that reason, I have concluded that the general effect on the Lonsdale Place properties would be unreasonable, and over dominant. While the houses in Rowditch Avenue would be a little further away from the proposed building, the height of it would give rise to a degree of overlooking into

## **B1    APPLICATIONS    (cont'd)**

### **8    Code No:    DER/1205/2036**

the rear gardens of those properties, and again a dominating relationship would be created to the detriment of residential amenity.

Immediately to the south of the site is a building that forms part of the University Halls, of Residence. This is a Grade II listed building that would be situated only 11.0m from the proposed building, yet that building is almost the height of the listed building. At the present time the Listed Building is situated some 28m from the existing building on the site, it is not dominated by it. Notwithstanding the fact that a number of trees will be retained on the southern boundary of the site, I am concerned that the proposed building by reason of its scale and proximity will detract from the existing setting of the listed building and in fact dominate it.

All the trees on the application site are covered by a group Tree Preservation Order, and it is proposed to remove five of them. The Arboricultural Officer has been consulted and considers the trees on the site to be of great local importance. Because of their maturity and location, he considers it essential that a full and detailed tree survey be carried out (as per BS 5837: Trees in Relation to Construction). In the event of permission being granted, he would request a detailed method statement indicating how the work would be carried out, so as to avoid damage to the retained trees and details of any new planting, surfacing, and location of services.

The application as submitted makes no provision for Affordable Housing in what is an area of one of the highest levels of Housing need in the city. DCS (Housing) has indicated that a provision of 30% affordable housing is appropriate in this location and this is a view I share in relation to Local Plan Review policy H19. The applicant has indicated that affordable housing is not economically viable in respect of this particular proposal, but this has had to be considered in relation to the Housing needs of the particular locality. In this particular case, there is a known demand for housing and I am not willing to agree to the deletion of affordable housing from the proposal.

For the above reasons, in relation to the unreasonable impact on the adjacent residents in Lonsdale Place and Rowditch Avenue, the effect on the listed building to the south of the site, and the lack of affordable housing I have concluded that the proposal is unacceptable, and that for the reasons given Planning Permission should be refused.

### **11.    Recommended decision and summary of reasons:**

#### **11.1    To refuse planning permission.**



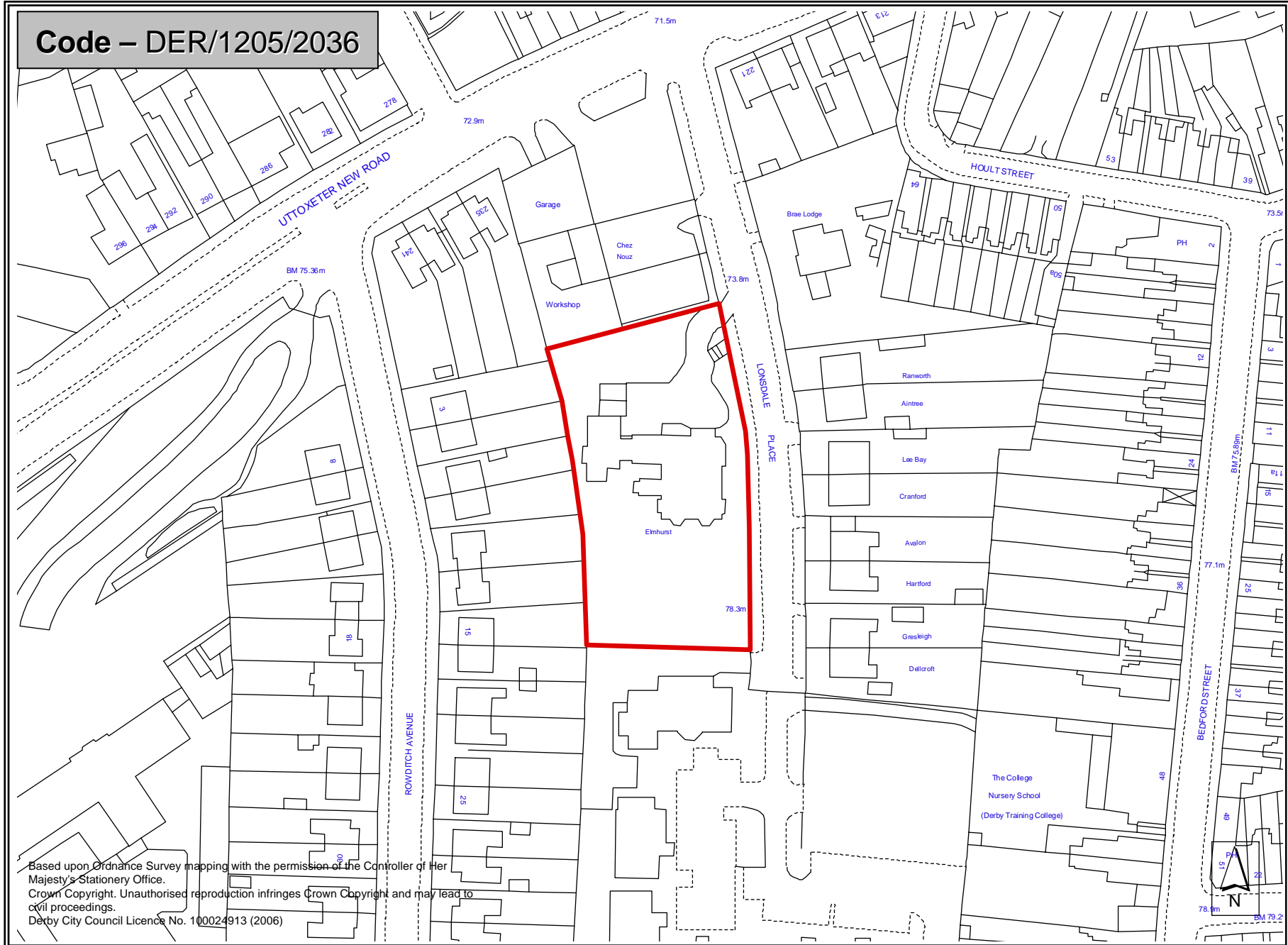
**B1    APPLICATIONS   (cont'd)**

**8    Code No:   DER/1205/2036**

**11.3   Reasons**

1. The proposed building by reason of its height, and massing would be seriously detrimental to the amenities of residents both in Lonsdale Place and Rowditch Avenue and would dominate those properties to an unacceptable degree. In addition the height of the proposed building close to the southern boundary of the site is considered to be seriously detrimental to the overall setting of a Grade II listed building. The proposal would therefore be contrary to the provisions of policies H21, E22 and E26 in the City of Derby Local Plan Review.
2. The proposed development fails to provide the provision of Affordable Housing, in a locality close to the city centre, where there is a considerable demand for such accommodation. The proposal is therefore contrary to the provisions of policy H19 in the City of Derby Local Plan Review.

**Code – DER/1205/2036**



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

## B1 APPLICATIONS (cont'd)

9 Code No: DER/1205/1982

**Type:** Advertisement  
Consent

1. **Address:** Land at former Highfield, Broadway
2. **Proposal:** Display of externally illuminated freestanding sign

3. **Description:**
4. **Relevant Planning History:**
5. **Implications of Proposal:**
  - 5.1 **Economic:**
  - 5.2 **Design and Community Safety:**
  - 5.3 **Highways:**
  - 5.4 **Disabled People's Access:**
  - 5.5 **Other Environmental:**
6. **Publicity:**

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

As per  
previous  
report

7. **Representations:**
8. **Consultations:**
9. **Summary of policies most relevant:**

10. **Officer Opinion:** This application for advertisement consent was deferred at the previous meeting to enable a site visit by the Committee, which has now taken place.

Concerns were expressed about the size and illumination of the signs and discussions have been undertaken with the applicant to seek a revised scheme. They have agreed to shorten the poles from 6 to 5 metres and advised that these would be driven up to 1 metre into the ground. As such the actual height of the sign would be 4 to 4.5 metres above ground level. The proposed method of illumination would not be altered.

Advertisements can be erected on construction sites, under deemed consent, to promote the development taking place, for the duration of the building works. Temporary signs of this type which have deemed consent are subject to criteria in Class 3C of the Advertisement Regulations and can only be erected, whilst development is undertaken on site. The proposed sign exceeds these criteria and therefore requires express advert consent. There are two developers operating on this residential site, Miller Homes and Bryant Homes, and they each have deemed consent to display a sign. In this case there are 2

## **B1    APPLICATIONS   (cont'd)**

### **9       Code No:   DER/1205/1982**

freestanding display boards, one for each developer. Each sign could be erected in this location under deemed consent, up to 3 square metres in area, plus a further 20% of the area for the name of development. The proposed sign boards would each be 8.1 square metres, including the name of development. As such they would be considerably larger than the permitted size, although sited at least 10 metres from the nearest footway. The advertisement would be intended to be viewed from passing traffic on Broadway and the lettering would therefore need to be large enough to be legible from a distance. The sign could be up to 4.6 metres in overall height under deemed consent and the amended sign would be below this limit. It would be lower than the existing garage, which is about 5.5 metres high. Illumination of the sign is not permitted under the Advertisement Regulations.

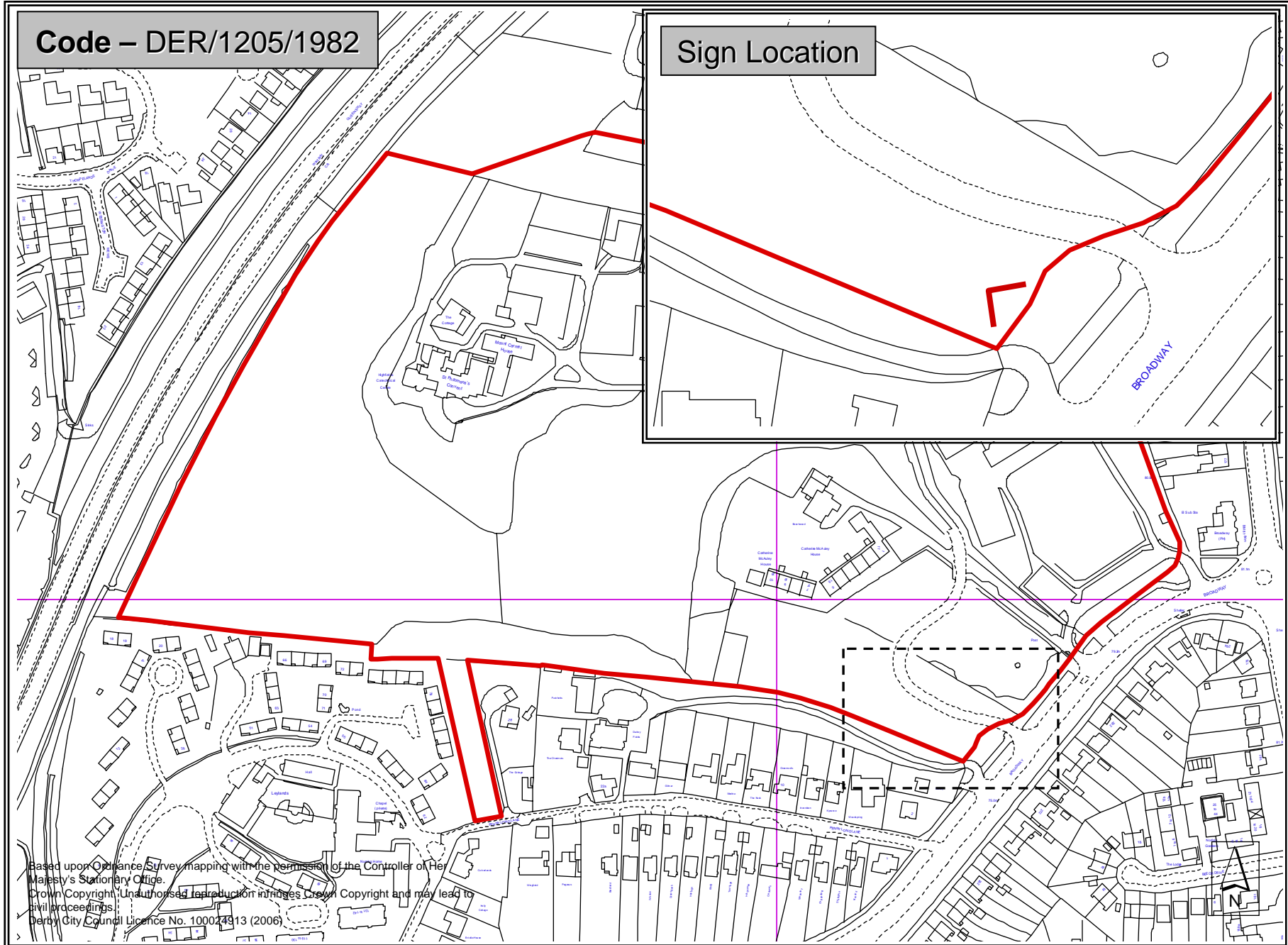
The developers would also be able to erect advertisement hoardings around the construction site, with deemed consent under Class 8. They could be erected along the Broadway frontage for up to 3 years from the commencement of building works and the hoardings could be up to 3.1 metres high and 12.1 metres long. These could be erected without the need for advertisement consent, although the developers have not implemented these permitted rights, to date.

The applicants have advised that if granted the proposed display boards would replace the existing advertisements, currently sited to the front of the site, under deemed consent. This would minimise the amount of visual clutter viewed from Broadway. Overall I consider that the proposed sign would not be unduly intrusive in this location. Since it would be sited some distance from the highway frontage and nearby dwellings on Broadway, the proposed illumination is not likely to cause undue disturbance or glare in the local area. For a period of 3 years the proposal is therefore considered to be acceptable in this position.

- 11.    Recommended decision and summary of reasons:**   See   previous report.

**Code – DER/1205/1982**

**Sign Location**



### D3 **PRIOR NOTIFICATIONS**

1 **Code No:** DER/106/164

**Type:** Prior Notification

1. **Address:** Land off Ladybank Road, Mickleover
2. **Proposal:** Erection of a 12.5 metre high monopole and 2 no. equipment cabinets
3. **Description of Equipment:** The mono pole would be 12.5 metres high and would at the top carry three antennae contained within a cylindrical glass reinforced plastic shroud of 380 mm diameter. The pole would be accompanied by two ancillary equipment cabinets one measuring about 1.3 m x 0.73 m x 1.5 m and the other measuring about 0.3 m x 0.18 m x 1.5 m.

The mast is required to improve transmission coverage in the area for the implementation of 3G technology. This permits the transmission of greater volumes of data than the existing telecommunications network and will facilitate transmission of computer data, television pictures etc, which are currently beyond the scope of the existing network. The existing networks are incapable of providing the necessary coverage required for the new technologies.

4. **Description of Location:** The monopole and equipment cabinets are to be sited on the back edge of a wide section of footway on the west side of Ladybank Road, immediately opposite the junction with Kingsmuir Road. The area is principally residential in nature in an area with an undulating topography. The notification site is in a high position with land levels falling away to the north, east and south but rising slightly to the west. Immediately to the north of the site is an area of grassed open space which falls away steeply towards the Honeycomb public house below. A copse of tall mature trees stands on this open space about 15 metres west of the notification site. A small parade of shops lies about 70 metres to the south. Houses lie immediately across the road the closest of which is about 22 metres away from the proposed monopole. Close to the notification site, is existing street furniture comprising a bus stop and shelter, a post box, a telephone call box, two small equipment cabinets and a 6 metre high lamp post, all within 14 metres of the monopole site.

5. **Alternatives considered by Applicant:**

1. Land between the junction of Ladybank Road and Inglewood Avenue, discounted due to lack of ground height which would have required a mast in excess of 20 metres in height.

### D3 **PRIOR NOTIFICATIONS** (cont'd)

#### 1 **Code No:** DER/106/164

2. Land at the junction of Station Road and Ladybank Road, discounted because of the proximity of a large number of trees that would require a mast in excess of 20 metres in height.
3. Pavement outside parade of shops at Devonshire Drive and Chestnut Avenue. Discounted as it would not give the level of coverage required.
4. Roof top of the Honeycomb Public House, Ladybank Road. The site owner was unwilling to accommodate a telecommunications installation.
5. The roof top of The Robin Public House, Devonshire Drive and Chestnut Avenue. The location is so far from the search area to provide the required degree of coverage.

6. **Relevant Planning History:** None.

#### 7. **Implications of Proposal:**

- 7.1 **Economic:** None directly arising from the proposal but government advice is that the provision of an adequate telecommunication network is beneficial to the economic development of the country as a whole.
- 7.2 **Design:** This type of monopole has been developed to closely resemble the appearance of existing street lighting columns in use on major roads and urban locations.
- 7.3 **Community Safety:** A frequently voiced concern is that the equipment cabinets may be climbed on and the equipment vandalised. There is no reason to suppose that the hazard is any greater for telecommunication equipment than it is for any other item of street furniture.
- 7.4 **Highways:** To be reported.
- 7.5 **Health:** The proposal is certified as being in full compliance with the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP). As a result of this and the advice given in Planning Policy Guidance Note 8 on Telecommunications, the planning authority should not further consider the health implications of the proposal.
- 7.6 **Other Environmental:** Mature trees standing in the open space to the north of the notification site will to some extent help to reduce the visual impact of the proposal when viewed from a certain direction.

### D3 **PRIOR NOTIFICATIONS** (cont'd)

1 **Code No:** DER/106/164

8. **Publicity:**

Neighbour Notification letters	72	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other	Ward Member notification and Silverhill Primary School		

9. **Representations:** At the time of writing eight letters of objection had been received. Copies are available in the Members rooms.

The objections in summary refer to:

- the proposal as being an eyesore
- that existing coverage has always appeared to be adequate in the past
- the relationship with nearby trees is questioned
- the proposal would blight views from nearby residential properties
- it could result in the devaluation of nearby properties. (The latter ground of objection is not a valid planning consideration)
- health risk

10. **Consultations:**

Highways – to be reported

Environmental Health – confirm no comments to make.

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

CDLPR Policy E31 Telecommunications states that planning permission will be granted, subject to assessment against the following criteria:

- a. The impact on amenity and environment is acceptable including that on residential areas and other sensitive areas protected by the plan. Height, materials colours and the scope for landscaping and screening will be taken into account in assessing the visual impact.
- b. There is no reasonable possibility of erecting antennae on existing buildings or structures or of mast sharing of facilities.
- c. The proposal would not unacceptably inhibit development potential.
- d. There is no clear evidence that significant electrical interference will arise for which no practical remedy is available.



### D3 **PRIOR NOTIFICATIONS** (cont'd)

#### 1 **Code No:** DER/106/164

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

The main guidance is that in PPG8 (telecommunications). Members will be aware of this from previous reports on prior notifications and on telecommunications in general.

12. **Officer Opinion:** Policy E31 of the newly adopted CDLPR is applicable even though this application seeks prior approval and not planning permission.

Members will be aware that as this proposal is for prior approval it is acceptable as permitted development under the provisions of The Town and Country Planning General Permitted Development Order. The only matters for consideration are with regard to location and appearance. This is consistent with Government advice in PPG8, which seeks to encourage development of the telecommunications network.

#### **Health Considerations**

The health advice in PPG8 is very clear: if an application (or notification) is certified to meet ICNIRP guidelines the Local Planning Authority should not seek to challenge this, as health impact is, primarily, a matter for Central Government. Although impact on health can be a material consideration in determining any planning application, only in exceptional circumstances should the planning process conclude that health concerns are an overriding consideration. Members may recall that a recent case (Harrogate) before the Court of Appeal has expanded the understanding of the basis on which health concerns can be a factor in determining planning applications. Like most cases that reach the Court of Appeal some of the arguments are complex and this case was the follow-up to that in the Divisional Court where a judge had found a planning Inspector at fault in determination of an appeal against refusal of permission for a telecommunications base station. In practice the outcome does make it clear that it is only in exceptional circumstances that Local Planning Authorities can properly pursue health grounds where a certificate of conformity is provided.

This is on the basis that, whilst impact on health can be a material consideration for any planning application, it is only in exceptional circumstance that the planning process should conclude that health concerns are an overriding consideration. I have no doubt that a Local Planning Authority that refused an ICNIRP – certified proposal on health grounds would find itself stranded, unable to produce any credible professional witness, on appeal.

### **D3    PRIOR NOTIFICATIONS    (cont'd)**

#### **1    Code No:    DER/106/164**

##### Visual amenity and Environment.

The location has been chosen following a search of other sites in the near vicinity capable of providing the required area of coverage. The mast has been designed to resemble a large lamp post but without the usual element projecting at right angles to the main pole. It is the mast that would be most visually prominent in the streetscene because of its height which, at 12.5 metres would be about 6.5 metres higher than the near by lamp posts.

The site is located at a fairly elevated position on land which is approached up a steepish hill when approaching from the east along Kingsmuir Road or from the north along Ladybank Road. The elevated position does mean that the monopole would be prominent in the street scene when approached from these directions. A backdrop of mature trees some 10 metres behind the site will to some extent help the mast blend into the background when approaching from Kingsmuir Road, but I would still consider that it would be visually prominent without any screening to soften this impact of height.

Approaching from other directions the mast would not benefit from any screening or backdrop to reduce its visual impact. However other than its height I do not consider the mast to be particularly ugly or out of place in a streetscene. It would be set at the back edge of the footway and although this would not be in line with the existing lamp posts this would not be immediately apparent as the road curves and a rigid conformity of street light positions is not a dominant feature in the street scene. I consider that masts of this type are now becoming a reasonably common feature in the streetscene of most urban areas and that they have become more or less accepted as part of a wide range of essential street furniture that is associated with living in a technologically advanced environment.

The equipment cabinets fall into the same category and in my view are no worse than the many similar equipment cabinets or substations of all sorts employed by statutory undertakers and which feature commonly in the streetscene. In this location the proposal would be surrounded by existing street furniture of a bus shelter, telephone kiosk, post box and exiting telecoms cabinets and lamp posts and I see little reason to draw a distinction between these and the proposal.

The proposal is sited fairly clear of dwellings but there are dwellings immediately across Ladybank Road about 22 metres. The mast and equipment would be seen in the outlook from the windows to the front of these houses but I do not consider that simply being visible are grounds for refusal.

**D3    PRIOR NOTIFICATIONS    (cont'd)**

**1    Code No:    DER/106/164**

Highway Consideration

To be reported but the proposal would be sited at the back edge of a wide footway. In this position neither the monopole nor the equipment cabinets would result in any loss of visibility along the highway.

The existing width of the footway at about 4 metres wide. If installed the clear area of footway width would be narrowed to about 2.8 metres in width. This would be sufficient to allow unobstructed pedestrian flow along the footway.

Conclusion

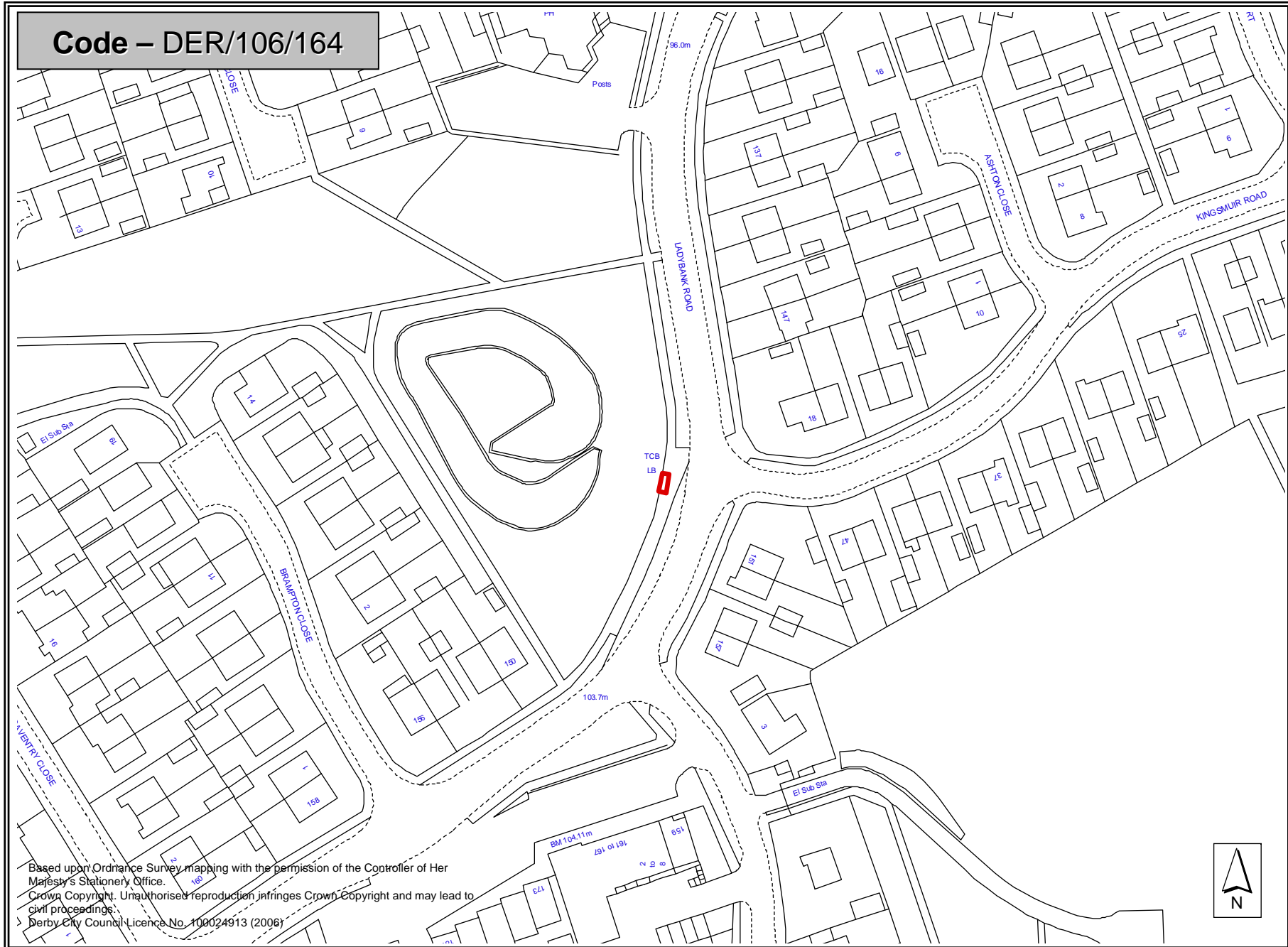
Although the telecommunication mast would be visually prominent by reason of its height I do not consider that the height alone makes the proposal so visually unacceptable in the streetscene as to warrant the refusal of this proposal

**13.    Recommended decision:**

**13.1**    That the City Council does not wish to control the details of siting but requires that the monopole be colour coated in a colour to match the Council's own street lamps.

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

**Code – DER/106/164**



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