

A DEVELOPMENT BY THE CITY COUNCIL

1 Code No: DER/10/06/01768

Type: Full (Reg. 3)

1. **Address:** Lees Brook Community School, Morley Road, Chaddesden
2. **Proposal:** Construction of artificial turf pitch (ATP), floodlighting and 3 / 5 metre high fencing. (Amendment to scheme given planning permission under Code No. DER/10/05/01800)
3. **Description:** Planning permission was granted for an essentially similar development at the meeting held on 22 December 2005. Since then certain amendments have been identified as desirable and, because of the difficulty of dealing with anything of substance as a working amendment since the “Sage” High Court case a fresh application has been submitted to cover them.

The changes are:

- ballstop fencing increased from 4m to 5m to reduce problems of stray balls. (Side fencing remains 3m)
- fence between ATP and changing rooms now 2m high and in weldmesh
- minor alterations to ground levels. (The highest, north-west corner is basically the same but there is less cross-fall so the lowest, south-east, corner is some 800mm higher than formerly approved, that is some 450mm above existing ground level at that point)
- ground re-profiling to the south-west of the ATP to reduce levels
- spread surplus material on a disused games court to marry into existing levels.

The proposed pitch would be located as before, 36 metres to the south west of existing school buildings, parallel to them and would measure 105m x 71m. Eight floodlighting columns are proposed, 15.5 metres high with two lights per column. Three-metre high weld mesh fencing is proposed on the sides, with 5 metre high fencing at the goal ends.

The proposed pitch would be approximately 84m from the rear boundaries of properties on Morley Road and 110m from those in Lawrence Avenue. Diagrams supplied with the application show the spread of light from the floodlights. To the south east and north west the spread would be 41m and to the north and south it would be 37m. The floodlights would have a maintained illuminance of 235 Lux.

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4. Relevant Planning History:

DER/10/05/01800 - as described above.

DER/09/05/01608 - Erection of changing rooms and formation of car parking area, granted 23 December 2005. (22 December meeting).

DER/03/05/00506 - Formation of car parking area, granted May 2004.

DER/10/04/02029 - Erection of classroom, granted December 2004.

DER/08/04/01607 - Erection of double classroom, withdrawn May 2005.

DER/10/04/00007 - Replacement of the fence, vehicular and pedestrian access gates to a height of 2.4m, granted March 2003.

DER/11/03/02082 - Erection of replacement garage and store and retention of existing garage, granted March 2003.

DER/03/02/00300 - Extension to existing dance studio and retention of car park, granted April 2002.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: The proposal does not raise any significant community safety concerns.

5.3 Highways: No objections. (The existing Travel Plan for the school is being amended to reflect several recent permissions and as part of a general review).

5.4 Disabled People's Access: All new access paths to be designed to deliver full and independent access for disabled people.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letters	35	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

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7. Representations: Three objections have been received, two being letters and one a petition from one of the individual letter writers, one of whom has also sent in a second letter. These are reproduced. Reasons for objection are:

- the applicant has not carried out adequate consultation
- the development is not for school or education use
- disruption to wildlife
- flooding risks to nearby properties
- increase in traffic and car parking with associated noises. A parking attendant should be employed
- contrary to Green Wedge Policy
- light pollution
- additional tree planting should be required
- disused tennis courts should not be used for parking.

8. Consultations:

Environment Agency – to be reported.

DES - (EH and TS) – concerned that the construction of an all weather pitch including floodlights may lead to complaints of noise and light pollution. This is due to the location of the pitch being close to existing residential properties. It is suggested that the hours of use of the pitch be restricted and a scheme demonstrating how the potential impact from lighting and noise will be mitigated, be submitted for approval before the development proceeds.

Police – no objection subject to ground re-profiling not affecting or reducing surveillance across the site.

9. Summary of policies most relevant: Adopted CDLP Review 2006:

GD3 - Flood Protection
E2 - Green Wedge
E17 - Landscaping Schemes
E24 - Community Safety
T1 - Transport Implications of New Development
T4 - Access, Parking or Servicing
T10 - Access for Disabled People
L11 - Community facilities and LE1 (Education) have limited relevance as they are essentially concerned with built 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 version.

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- 10. Officer Opinion:** The site is allocated as Green Wedge under policy E2 which allows for a limited range of uses in Green Wedges, including essential buildings and activities ancillary to existing educational establishments. This is provided that the open and undeveloped character of the wedge is protected and there would not be an excessive increase in numbers of people, traffic and noise.

All the principles involved with this application were considered in connection with the grant of planning permission DER/10/05/01800. That decision is a material factor in approaching determination of this current application. I will nevertheless rehearse the proper policy-based approach.

The main issues with regard to this proposal are whether the floodlit sports pitch would have an adverse impact on the amenity of neighbouring properties and affect the openness of the Green Wedge. The proposed pitch is sited as close to the main school buildings as possible. There is a steep bank up to the school buildings from the playing fields and extensive excavation would be required if it were sited any closer to the buildings.

The proposed pitch is over 100 metres from the nearest dwellings on Morley Road and if it were sited further away from houses its impact on the openness of the Green Wedge would be increased. A balance between these two concerns has to be struck and I consider that, owing to the spread of the lights only extending to a forecast 41m, the impact on nearby residents will not be significant. As before, a condition that requires the floodlights to be shielded and directed down to prevent glare to nearby residential properties and not operated after 21:30 on any day should be placed on any permission. This will minimise the impact on properties bounding the site.

I am satisfied that the level of parking can be controlled through an amended Travel Plan for the school. Travel Plans by their very nature seek to encourage other more sustainable forms of transport than the private car. This site is on a main bus route and is accessible by bicycle. The Travel Plan sets targets to reduce car use.

This is first and foremost a school application although the facilities are proposed for dual use with the local community. Behind the objections is, I feel, the belief that a school should deal only with young people up to the age of 16 / 18 five days a week, 40 weeks a year, perhaps with some adult education use on winter evenings. That is increasingly not now the position; schools are a community resource and expensive specialised facilities are rightly open to the whole population.

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In relation to the objections I would confirm that the proposals come within policy E2 which states that “Development will only be permitted in green Wedges within the following categories” “Outdoor sport and recreation” “Essential buildings and activities ancillary to existing educational establishments”.

The claim of breach of policy is based on a view that criteria a, b and c are not met. My advice is that they are met. This difference of opinion with the objectors is just that, a difference of opinion, not a fact that can be proved or disproved. As in all qualitative criteria, it is a matter for the exercise of judgement by the LPA.

It is, I think, useful to consider why this land was included in the Green Wedge. As in many other locations, the school came first, so the wedge was already compromised when the policy was conceived. As these major schools had large playing fields, greatly exceeding the built-over area, excluding them from the wedge would simply lead to eventual total erosion of the wedge. Inclusion, even in their compromised state, would at least limit further built development to what could be justified on educational needs grounds.

The revised pitch levels are indicated. It is not really practical to avoid some potentially hidden areas as suggested by the police as cut-and-fill is unavoidable. A flood risk assessment was submitted with the previous application and this concluded that the development would not have a detrimental effect on the possibility of flooding within the area. The site is currently considered to be at risk from flooding only in the south eastern section of the site, during a 1:100 year event. The properties in the vicinity should not be affected by flooding as a consequence of the construction of the new artificial surface.

The pitch would be 36m from the existing four-storey block to the south east of the main school buildings. I do not consider that it would have a significant impact on the openness of the Green Wedge. The fencing and floodlighting will have some urbanising impact but this impact is one which has had to be accepted at many sports grounds in green wedge locations. A large area of the “natural” playing field adjacent to the boundary with Lees Brook will remain. All trees and shrubs on the site or boundary of the site will be retained. The proposal is some distance from the brook and woodland in the south western corner of the site; therefore, I do not consider wildlife habitats would be significantly affected during construction and use.

Similar proposals for multi –use games areas that are used by the community at evenings and weekends have been approved throughout the city. This is a large community sports college which requires this

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facility to benefit both pupils and the local community as a whole. The noise and activity at the site will inevitably be increased to some degree by this proposal. Community sports use does involve noise from enthusiastic sports players but I consider that it would be unreasonable to resist the proposal on increased noise and activity grounds on this established school site. Particularly as this proposal is very similar to the earlier approval. The views of the Director of Environmental Services are the same as was given in relation to the last application. I consider that the recommended conditions will address adequately the impact of noise and light spillage.

When the last application was considered I reported on the Football Foundation's requirements for the hours of use including a wish to operate up until 2200. My recommendation was for that limit but Members decided on 2130 limit. On the basis that Members would wish to keep to that limit I have included that time in my recommendation.

To conclude, I do not consider the proposed floodlit sports pitch would have a significant impact on the amenity of neighbouring residential properties. The changes to the approved scheme are not significant in relation to its scale and there is no reason to come to a different decision. I consider that the need for the School Travel Plan to be updated should be reinforced by condition.

11. Recommended decision and summary of reasons:

11.1 To grant permission under Regulation 3 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 considered to conform to those policies and not to have any significant impact upon the amenities of neighbouring residential properties in relation to noise and visual amenity.

11.3 Conditions

1. Prior to the erection of the fencing, details of its colour shall be submitted to and agreed in writing by the Local Planning Authority.
2. The existing Travel Plan for the school shall be further amended to reflect this development and submitted to the Local Planning Authority within six months of the implementation of this permission. Such provisions as may be approved shall be implemented to the timescale set out in the Plan.

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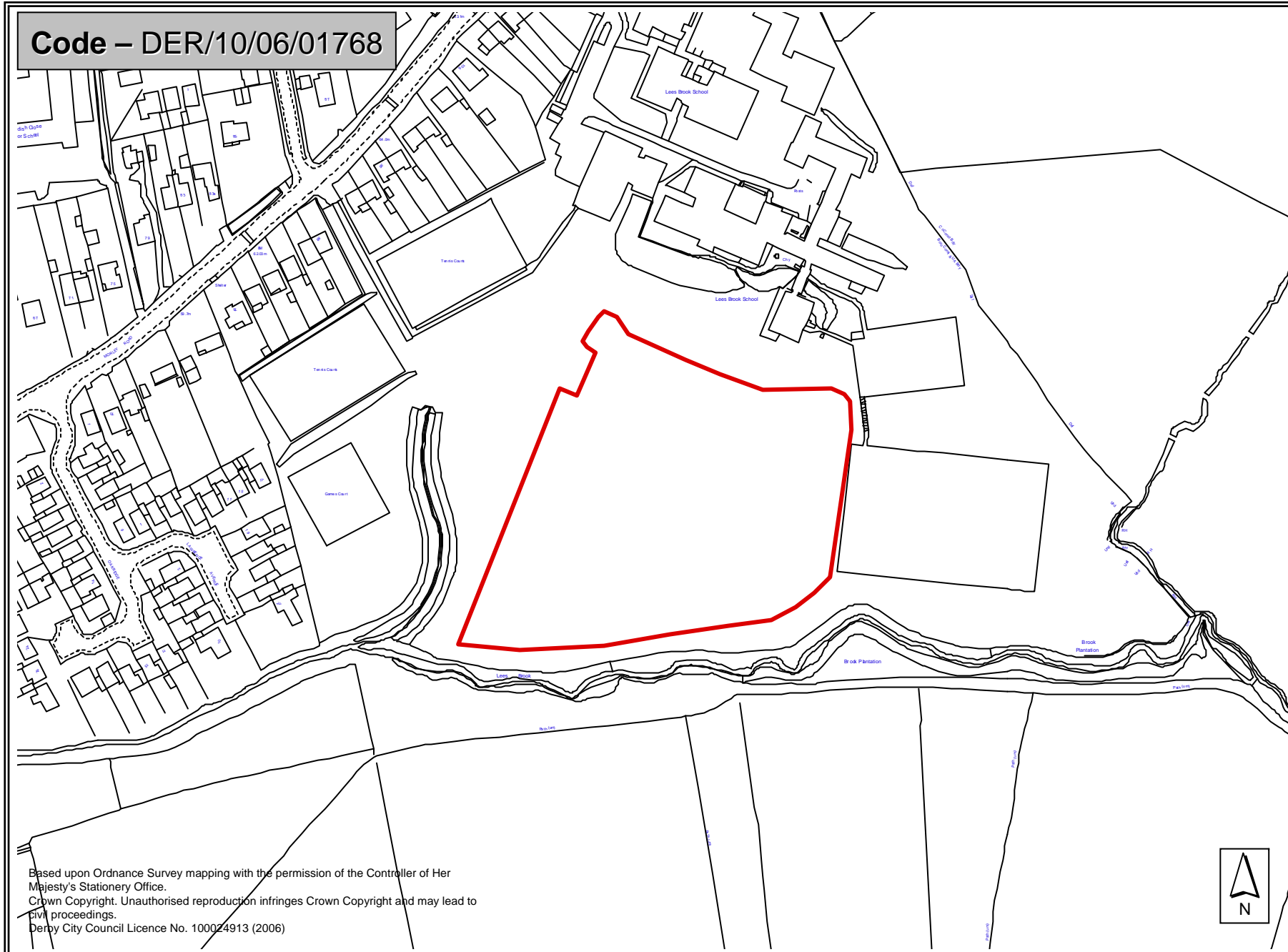
3. The individual floodlights shall be properly shielded and directed to prevent glare to nearby residential properties and they shall not be operated between the hours of 21:30 and dawn, unless otherwise agreed in writing by the Local Planning Authority. Details of the shielding shall be submitted to and approved in writing by the Local Planning Authority before development commences.
4. Standard condition 20 (landscaping)
5. Standard condition 22 (landscaping) (insert "4").

11.4 Reasons

1. Standard reason E14....policy E2
2. Standard reason E47....policies LE1, T1 and T4.
3. Standard reason E07....policy LE1.
4. Standard reason E10....policies E2 and E17.
5. Standard reason E10....policies E2 and E17.

11.5 S106 requirements where appropriate: None.

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A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

2 Code No: DER/11/06/01868

Type: Outline (Reg 3)

1. **Address:** Land at side of 55 Isleworth Drive/corner of Marylebone Crescent, Mackworth

2. **Proposal:** Residential Development (One Dwelling House)

3. **Description:** This outline application, seeks permission for the erection of a single detached dwelling house on this City Council owned site at the corner of Isleworth Drive and Marylebone Crescent. The site abuts two existing residential curtilages (No. 55 Isleworth Drive and Nos 1/3 Marylebone Crescent). The locality is predominantly residential in character, with a quite high level of on-street parking, and is mainly composed of two storey properties.

The application indicates that a small two bedroom house, with a standing space for two cars and access from Isleworth Drive alongside No. 55 Isleworth Drive could be accommodated on the site. The site contains in its south west corner a fine mature Birch tree, that would be retained and is a major feature in the streetscene.

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

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The proposal is in outline only.

5.3 **Highways:** The provision of two parking spaces for both No. 55 Isleworth Drive and the proposed house is required, together with acceptable access layout at Reserved Matters stage.

5.4 **Disabled People's Access:** The proposal is in outline only.

5.5 **Other Environmental:** There is a very fine Birch tree on the site, close to the corner of Isleworth Drive and Marylebone Crescent. It is probably of TPO quality, but at present remains in the ownership of the City Council. It is proposed to retain the tree.

6. **Publicity:**

Neighbour Notification letters	12	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

2 Code No: DER/11/06/01868

7. Representations: Four letters of objection have been received and are reproduced. The main issues raised by the objectors are:

- Loss of amenity to adjacent residents
- Considerable loss of light to neighbours
- Noise and traffic problems will be caused
- Access to highway will be dangerous
- Proposal will encourage parking on the highway
- Loss of pleasant view to nearby houses

Any further representations will be reported at the meeting.

8. Consultations: None.

9. Summary of policies most relevant: CDLPR:

- GD5 - Amenity
- H13 - Residential Development – General Criteria
- E10 - Renewable Energy
- E23 - Design
- T4 - Access Parking and Servicing
- E9 - Trees

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: Members will no doubt be aware of quite frequent proposals put forward to sub-divide some of the larger and often strangely shaped curtilages in the Mackworth area. Often these proposals are not acceptable, and in recent years appeal decisions have indicated this. This current proposal is to my mind an example where an acceptable separate curtilage can be created, without an adverse effect on the two adjacent properties (No. 55 Isleworth Drive and Nos 1/3 Marylebone Crescent).

The principle of residential development is clearly acceptable in this location, and I am satisfied that a small detached house could be accommodated on the site without an adverse effect on either the overall streetscene or on the amenities of surrounding residents. I am satisfied that the existing tree on the south-west corner of the site can be satisfactorily retained within such a form of development to the benefit of the amenities of the area. In highways terms I would wish to see two parking spaces made available for No. 55 Isleworth Drive, and two for the use of the proposed house. I am satisfied that this provision, and access onto the highway can be resolved at Reserved

A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

2 Code No: DER/11/06/01868

Matters Stage, and that an acceptable form of development can be achieved that would not detract from the amenities of nearby residents or from the appearance of the streetscene.

I have noted the comments raised by the letters of objection, but have concluded that the site is of sufficient size for the proposal, safe access onto the highway can be achieved, and the loss of amenity to third parties would not be unreasonable. I certainly do not feel that there area adequate grounds to justify a refusal of planning permission, as there are no policy or highway objections of note. This is a site where a small infill scheme of this type would be quite appropriate.

11. Recommended decision and summary of reasons:

11.1 To grant outline permission under provisions of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out below.

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 to all other material considerations as indicated in 9 above and is an acceptable form of development in this residential location, that would have no adverse effect on third parties.

11.3 Conditions

1. Standard condition 01 (outline)
2. Standard condition 02 (time limit)
3. This permission does not indicate the acceptability of the submitted details of house type or position of proposed building.
4. Standard condition 19 (means of enclosure)
5. Standard condition 30 (hard surfaces)
6. Standard condition 24 (protection of tree)
7. Details submitted pursuant to condition 1 shall indicate the provision of two vehicle parking spaces on this site and two replacement vehicle parking spaces for the adjoining property No. 55 Isleworth Drive; all of which shall be provided before the new dwelling is first brought into occupation.

11.4 Reasons

1. Standard reason E01
2. Standard reason E02

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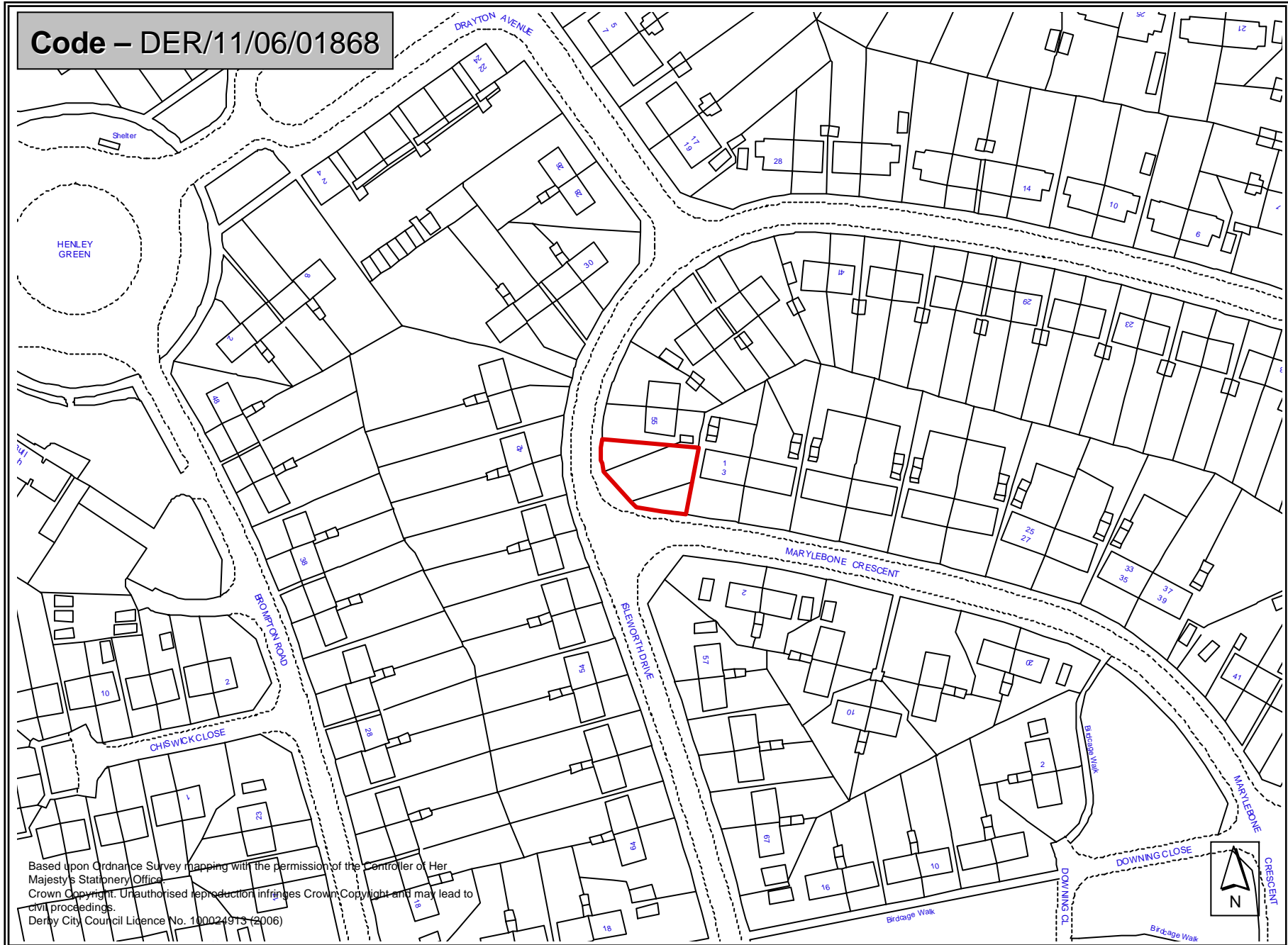
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3. Standard reason E04 ... Policy H13
4. Standard reason E18 ... Policy H13
5. Standard reason E18 ... Policy H13
6. Standard reason E08 ... Policy T9

7. To ensure satisfactory vehicle parking provision for the existing and
 proposed dwelling ... Policy T4

11.5 S106 requirements where appropriate: None.

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B1 APPLICATIONS

1 Code No: DER/11/06/01817

Type: Works to trees
under TPO

1. **Address:** 32 Blagreaves Lane, Littleover
2. **Proposal:** Felling of one Lime and one Pine tree, protected by Tree Preservation Order 1986 No. 36 (Blagreaves Lane/Moorway Lane)
3. **Description:** Consent is sought for the felling of a Lime tree and Pine tree, situated at the southern and of the rear garden of No. 32 Blagreaves Lane. The Lime tree is particularly notable and photographs will be available at the meeting. The applicant wishes to remove the trees, due to concern that demolition and construction at 8 Moorway Lane (re. DER/03/06/00513) adjacent to these trees will destabilise roots systems causing these trees to become a danger. It is proposed to replace both trees with suitable specimens, once the proposed works are carried out.
4. **Relevant Planning History:** DER/03/06/00513 – Erection of garage, toilet, study and store at 8 Moorway Lane, granted July 2006.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** None.
 - 5.3 **Highways:** None.
 - 5.4 **Disabled People's Access:** Not applicable.
 - 5.5 **Other Environmental:** Both trees are at present protected by Tree Preservation Order. The Pine in particular is of very good quality and contributes to the amenities of the area.
6. **Publicity:**

Neighbour Notification letters	11	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			
7. **Representations:** I have received four letters of objection and these ... are reproduced. All are opposed to the removal of the trees on visual amenity grounds. Any further representations will be reported at the meeting.

B1 APPLICATIONS (cont'd)

1 Code No: DER/11/06/01817

8. Consultations:

Env. Services (Trees) – see no valid reason to agree to the removal of the Pine tree. It is a very important tree very much in keeping with the local environment. The Lime tree is more suppressed and stunted, and there is no strong objection to its removal subject to a replacement Pine tree of a suitable size being provided at least 10.0m distant from the existing pine.

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

GD2 – Protection of the Environment
GD5 – Amenity

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: On visiting the site, and having fully considered the overall situation I am inclined to follow the advice received from the arboricultural Officer. I see no valid arboricultural grounds to justify the removal of the Pine tree, and would welcome the replacement of the existing Lime tree with a suitable specimen further away from the existing Pine tree. I have noted the applicant's concern regarding the existing planning permission (ref. DER/03/06/00513) at 8 Moorway Lane. At the time that planning permission was granted in July 2006, the following conditions were imposed:

1. The development shall be undertaken in accordance with the Arboricultural Method Statement of March 2006 which was received by the Local Planning Authority on 24 May 2006.
2. Details of the siting, depth width and method of construction of any underground service runs shall be submitted to and agreed in writing by the Local Planning Authority before any development is commenced.

At the present time the building works at No. 8 Moorway Lane are nearing completing, and there is no indication that the erection of the building has adversely affected either of the trees. My conclusion is that it would be appropriate to remove the Lime tree, and to replace it with an appropriate specimen some distance away from the Pine tree. I see no justification for the felling of the Pine tree, and my recommendation reflects that.

B1 APPLICATIONS (cont'd)

1 Code No: DER/11/06/01817

11. Recommended decision and summary of reasons:

11.1 To grant consent with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review 2006 and all other material considerations as indicated in 9 above. The removal of the Lime tree is acceptable subject to the provision of a suitable replacement but there is no justification for the felling of the Pine tree.

11.3 Conditions

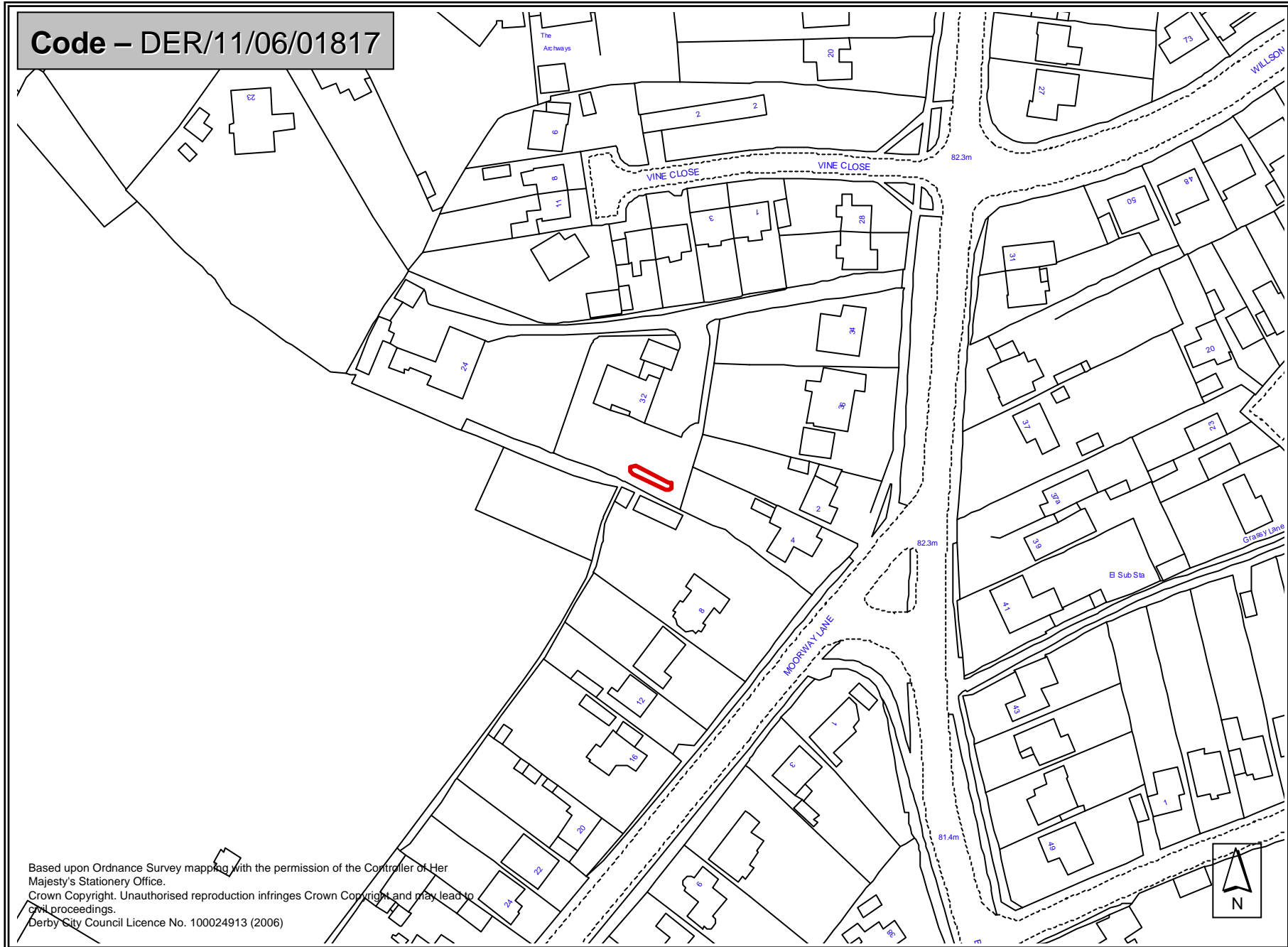
1. This consent does not indicate the acceptability of the felling of the Pine tree.
2. Standard condition 55 (replacement tree)
3. Standard condition 58 (maintenance of replacement tree)

11.4 Reasons

1. There is no arboricultural justification for the removal of the Pine tree, and in the interest of visual amenity.
2. To preserve the amenities of the locality.
3. Standard reason E32

11.5 S106 requirements where appropriate: None.

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B1 APPLICATIONS (cont'd)

2 Code No: DER/10/06/00754

Type: TPO

1. **Address:** 457 Burton Road, (The Grange Banqueting Suite)
2. **Proposal:** Felling of eight Sycamore trees, one Cherry tree, one Thorn tree, one Norway Maple, reduce Ash tree by 33%, dead wooding of Chestnut, pruning of single low branch from each of two Atlantic Cedars, clean Chestnut Tree, removal of three stems of Cypress trees, pruning of Oak tree, cleaning of Birch tree and crown reducing Oak tree by 25% protected by Tree Preservation Order 1998 No. 187 (The Grange, Littleover)
3. **Description:** The Grange Banqueting Suit stands about 140 metres south of Burton Road close to the Littleover District Centre. It is accessed via a private drive that runs through its own grounds. In the grounds are a large number of trees many of which are protected by a tree preservation order. These are mainly protected as part of a group so that only a few of the trees are individually specified within the order. The trees are of mixed species and age and form a significant visual amenity which can be seen by members of the general public who use public footpaths that run through the site and to a lesser extent from the public highways of South Avenue, Burton Road, Park Lane, Mostyn Avenue and Broughton Avenue.

A schedule of the proposed works to the trees has been submitted which says that the works are required mainly for maintenance purposes but there are safety concerns that also fall within this description. This schedule was drawn up following close consultation with one of the Council's Arboricultural Officers.

The works specified include the felling of a number of trees and some fairly substantial reduction of other trees as well as works of lesser impact. Details of the schedule have been incorporated in the Arboricultural Officers comments.

This application is the resubmission of an application received earlier in 2006 which was withdrawn as there was insufficient information submitted with the application to be able to determine it at that time.

4. **Relevant Planning History:** DER/02/06/00303 – Various works to trees protected by tree preservation order, withdrawn April 2006.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** None.

B1 APPLICATIONS (cont'd)

2 Code No: DER/10/06/00754

5.3 Highways: None.

5.4 Disabled People's Access: None.

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letters	20	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: I have received the following representations:

- fourteen letters of objection from seven addresses, 13 of the letters have identical wording
- one petition objection to the proposal, bearing 25 names from 12 addresses although two names had no address specified and many of the signatories have also sent in individual letters
- one letter of support and one letter of comment.

The objections are to the felling of the trees but raise no objections to the other works of maintenance proposed. The grounds for objection are that the trees are fundamentally important to the character of the area and the felling of the trees would detrimentally affect the appearance of the area, result in a loss of view, and the loss of the amenity value of the trees would be detrimental to the health and well being of people. Copies of all of the representation will be available in the Chamber Foyer.

8. Consultations:

Arboricultural Officer – in the Spring of 2006 I was asked to comment on proposals regarding the trees at the Grange - this involved “topping trees” “reshaping” and other work which was inappropriate.

I suggested that this was a very important collection of trees with some historical merit and that they needed to complete a more detailed survey and associated recommendations. This first application (DER/02/06/00303) was subsequently withdrawn.

B1 APPLICATIONS (cont'd)

2 Code No: DER/10/06/00754

Current Application DER/10/06/01754/PRI

The house and grounds were laid out in the 1850's (according to records held in the planning office), and I imagine at that time a number of specimens were planted which have now become suppressed and crowded by less interesting trees many of which are in poor condition.

Examples of specimen trees include:

1. Fraxinus angustifolia (narrow leafed Ash)
2. Tilia "Petiolaris" – Silver pendant Lime
3. Pinus strobus – Weymouth Pine
4. Pinus wallichiana – Mexican Pine
5. Juglans regia – Walnut
6. Fraxinus excelsior "Jaspidea" – Golden Ash
7. Large variegated Hollies
8. Castanea sativa – Sweet Chestnut (large ones are rare in Derby)

The application aims to remove some of the more common trees to benefit the rarer, more interesting specimens whilst ensuring that all of the trees are as safe as possible.

The application as it stands is perhaps a little excessive in terms of trees to be removed and will result in the opening up of the boundary with South Avenue too much therefore it is recommended that a decision should be issued to achieve the following.

Trees in Group 1

Tree 1 – A smaller Sycamore north of larger Sycamore. This is in poor condition and very suppressed by other trees. Its total removal is supported.

Tree 2 – A Sycamore for which there is no justification for its removal. Its removal is opposed.

Tree 3 – A Sycamore, has a weak fork and is too close to tree 4. Its removal is supported.

Tree 4 – A Sycamore for which there is no justification for its removal. Its removal is opposed.

Tree 5 – A Sycamore that has been pruned badly in the past and leaning. It is crowding a more important Walnut tree. Removal of the Sycamore is supported.

B1 APPLICATIONS (cont'd)

2 Code No: DER/10/06/00754

Tree 6 – A Sycamore in poor condition with a large cavity at 2 metres above ground level. Its removal is supported.

Tree 7 – A large Cherry tree that is in decline. Its removal is supported.

Tree 8 – A Norway Maple in very poor condition possibly dangerous. Its removal is supported and it should be replaced by a tree of a fastigiated form.

Tree 9 – A Golden Ash. This has a large cavity at 1.5 to 2 metres above ground level. It is an unusual variety which it would be appropriate to retain. Crown reduction by 33% would be appropriate to reduce loadings on the branches in order to reduce any danger of limb failure and prolong the retention of the tree.

Tree 10 – Is a very multi-stemmed Sycamore probably from an out grown coppice with bad forks at the base. Its removal is opposed at present but the tree is of poor quality and its long term retention is not recommended.

Tree 11 – A Sweet Chestnut. Only dead-wooding is proposed. There is no opposition to this work.

Tree 12 – An Atlantic Cedar. A good large specimen, however Atlantic Cedar trees are prone to shed large branches. One branch appears to be susceptible so it is recommended that this branch be removed for safety reasons.

Tree 13 – A large Sycamore in reasonable condition but which is suppressing and inhibiting the growth of better and more interesting trees either side. Its removal is supported.

Tree 14 – A poor Thorn tree in decline. Its removal is supported.

Tree 15 – An Atlantic Cedar. Similar to tree 12. The removal of one large branch is supported.

Trees in Group G3

Trees G3 – A small group of Cypress trees of somewhat distorted growth up to 1 metre above ground level. There is no arboricultural justification for the removal of any stems from these.

B1 **APPLICATIONS** (cont'd)

2 **Code No:** DER/10/06/00754

Individually identified trees within the TPO

Tree 7 - An Oak. There would be no objection to the removal of certain small branches to achieve a 2 metre clearance from a telephone wire passing through the tree's canopy.

Tree 9 – Silver Birch or similar. There is no objection to the cleaning of old branch stubs and cuts.

Tree 12 – Small Oak tree. A crown reduction of 15% would be supported.

9. **Summary of policies most relevant:** There are no policies with regard to works to trees protected by Tree Preservation Order.

10. **Officer Opinion:** The trees are an important part of the character of the area and can be seen from roads in the surrounding area. The proposal is intended to be for routine tree maintenance purposes. The schedule of works has been prepared following the advice of one of the Council's Arboricultural Officers and he has provided a detailed response to the work proposed to each individual tree. Although the works propose the felling of 11 trees in all, and fairly substantial works to other trees these have been inspected closely by the Arboricultural Officer and his recommendations are given in his comment above. The removal of three of the trees is opposed. Other trees shown for removal which appear to be reasonably healthy are considered by the Arboricultural Officer to be having a detrimental impact on trees of greater interest and he has supported their removal. He also supports most of the other works proposed with some modifications to the extent of this work.

I have no reason to question the advice given by the Arboricultural Officer and I recommend accordingly.

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

- 11.1 **To grant** consent with conditions that exclude the works to or removal of trees where it is not considered that there would be sufficient arboricultural justification.

11.2 **Conditions**

1. Consent is granted subject to the specific details and exclusions as follows:

B1 APPLICATIONS (cont'd)

2 Code No: DER/10/06/00754

Trees in group 1

Tree 1 – consent for the removal of the Sycamore is granted.

Tree 2 – permission for the removal of the Sycamore is specifically excluded from this consent.

Tree 3 – consent for the removal of the Sycamore is granted.

Tree 4 – permission for the removal of the Sycamore is specifically excluded from this consent.

Tree 5 – consent for the removal of the Sycamore is granted.

Tree 6 – consent for the removal of the Sycamore is granted.

Tree 7 – consent for the removal of the Cherry tree is granted.

Tree 8 – consent for the removal of the Norway Maple is granted.
This tree shall be replaced.

Tree 9 – consent for the crown reduction of the Golden Ash by 33% is granted.

Tree 10 – permission to remove the multi-stemmed Sycamore is specifically excluded from this consent.

Tree 11 – consent to remove deadwood from the Sweet Chestnut is granted.

Tree 12- consent to remove one branch from the Atlantic Cedar is granted.

Tree 13 – consent for removal of the Sycamore tree is granted.

Tree 14 – consent for the removal of the Thorn tree is granted.

Tree 15 – consent to remove one branch from the Atlantic Cedar is granted.

Trees in group G3

Trees G3. Consent to remove these stems from this group is specifically excluded from this permission.

B1 APPLICATIONS (cont'd)

2 Code No: DER/10/06/00754

Individually identified trees within TPO

Tree 7 – an Oak. The pruning of the Oak tree shall be restricted to removal of only those minor branches sufficient to achieve a 2 metre clearance around the telephone wire.

Tree 9 – Silver Birch or similar. There is no objection to the cleaning of old branch stubs and cuts.

Tree 12 – small Oak tree. Crown reduction shall be restricted to 15%.

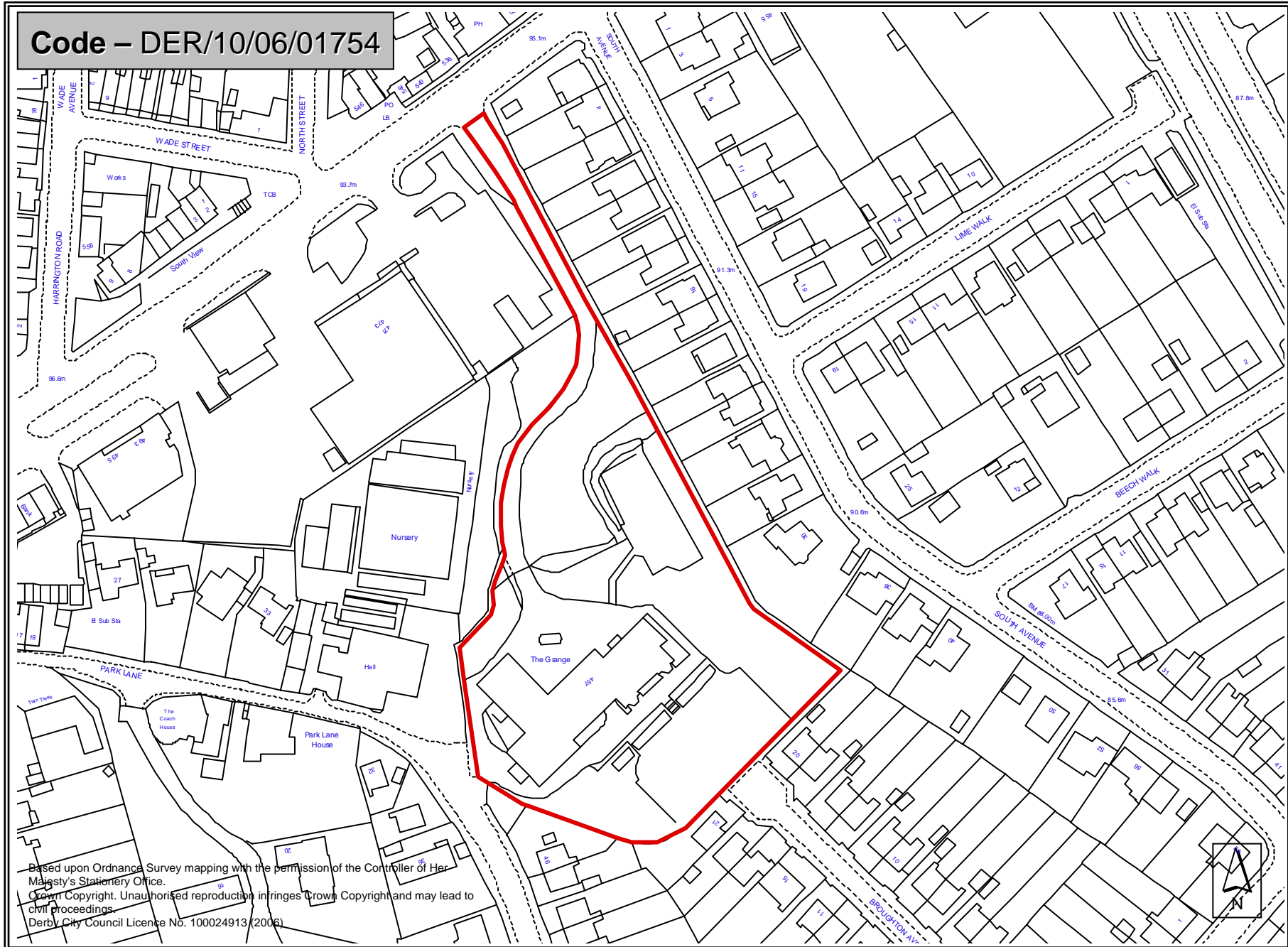
2. Standard condition 60 (crown reduction, modified to read ...by a maximum percentage specified in condition 1 above)
3. Standard condition 59 (bough reduction)
4. Standard condition 65 (time limit)
5. Standard condition 55 (modified to read...the tree to be felled indicated as tree 8 in group 1, shall be replaced etc)
6. Standard condition 58 (replacement tree maintenance)

11.4 Reasons

1. For the avoidance of doubt.
2. Standard reason E32
3. Standard reason E32
4. Standard reason E33
5. In the interests of visual amenity
6. In the interests of visual amenity

11.5 S106 requirements where appropriate: None.

Code – DER/10/06/01754



B1 APPLICATIONS (cont'd)

3 Code No: DER/10/06/01587

Type: Listed Building Consent

1. **Address:** 50 Kedleston Road
2. **Proposal:** Retention of side and rear elevation windows, and retention of lobby to rear of listed building.
3. **Description:** No. 50 Kedleston Road is a two storey semi-detached residential property on the north side of Kedleston Road. It is a fine Grade II listed building in the Strutts Park Conservation Area, and forms an imposing pair with No. 48 Kedleston Road.

This application seeks retrospective listed building consent for the following works:

1. Enlargement of an existing window in the side elevation, enlargement of an existing window and moving a door opening in the rear elevation.
2. Erection of a small entrance lobby having a flat roof on the rear elevation.

The works in question were completed in 1986, and listed building consent is now sought to regularise the situation. The windows in question are constructed in timber while the entrance lobby is in matching materials to the house with timber windows and door. None of the works in question are readily visible in the streetscene.

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

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The flat roof extension could be considered inappropriate and out of character with the rest of the building albeit it is a very minor extension out of the main streetscene. The replacement windows are badly proportioned and one is a casement window made to look like a sliding sash.

5.3 **Highways:** Not applicable.

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

5.5 **Other Environmental:** None.

B1 APPLICATIONS (cont'd)

3 Code No: DER/10/06/01587

6. Publicity:

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

7. Representations: None.

8. Consultations:

CAAC – request that consent be refused. The modern casement windows and the flat roofed extension are wholly inappropriate to this Grade II listed building and seriously detract from the traditional historical characters of it.

9. Summary of policies most relevant: Adopted CDLP Review policy:

E19 – Listed Building and Buildings of Local Importance.

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: As members will no doubt realise, this is a quite unusual situation as unauthorised works to listed buildings are generally quickly brought to our attention.

No. 50 Kedleston Road is a dwelling house, and the unauthorised works actually constitute permitted development for planning purposes. However, in this case listed building consent should have been sought in 1986. No. 50 Kedleston Road forms part of an imposing pair of semi-detached properties that are an important feature of the streetscene in this part of the Strutts Park Conservation Area, and photographs will be available at the meeting both of the unauthorised works and the overall context of No. 50 in that streetscene.

I have noted the points raised by the CAAC, and the fact also that the unauthorised works have been carried out in traditional materials. The alteration to the side elevation is not readily visible in the streetscene, while the bulk of the unauthorised works are on the rear elevation. I am mindful of the fact that no third party objections have been received, and that the unauthorised works have now been in place for over 20 years. On that basis, I am inclined to recommend that listed building consent be granted for the retention of the unauthorised works. While I note the views of the CAAC, the works in question are relatively

B1 APPLICATIONS (cont'd)

3 Code No: DER/10/06/01587

minor, are not visible in the overall streetscene and have been carried out to a quite acceptable standard. In the event of an appeal against a refusal of listed building consent, I am inclined to conclude that an Inspector would apply natural justice with regard to the fact that the unauthorised works have been in place for more than 20 years, and allow an appeal. I therefore feel that in the circumstances, and given the minor nature of the works, listed building consent should be granted.

11. Recommended decision and summary of reasons:

11.1 To grant listed building consent with a condition.

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan Review policies as set out in 9 above and all other material considerations. The proposals do not unreasonably detract from either the integrity of the listed building or the appearance of the streetscene.

11.3 Condition

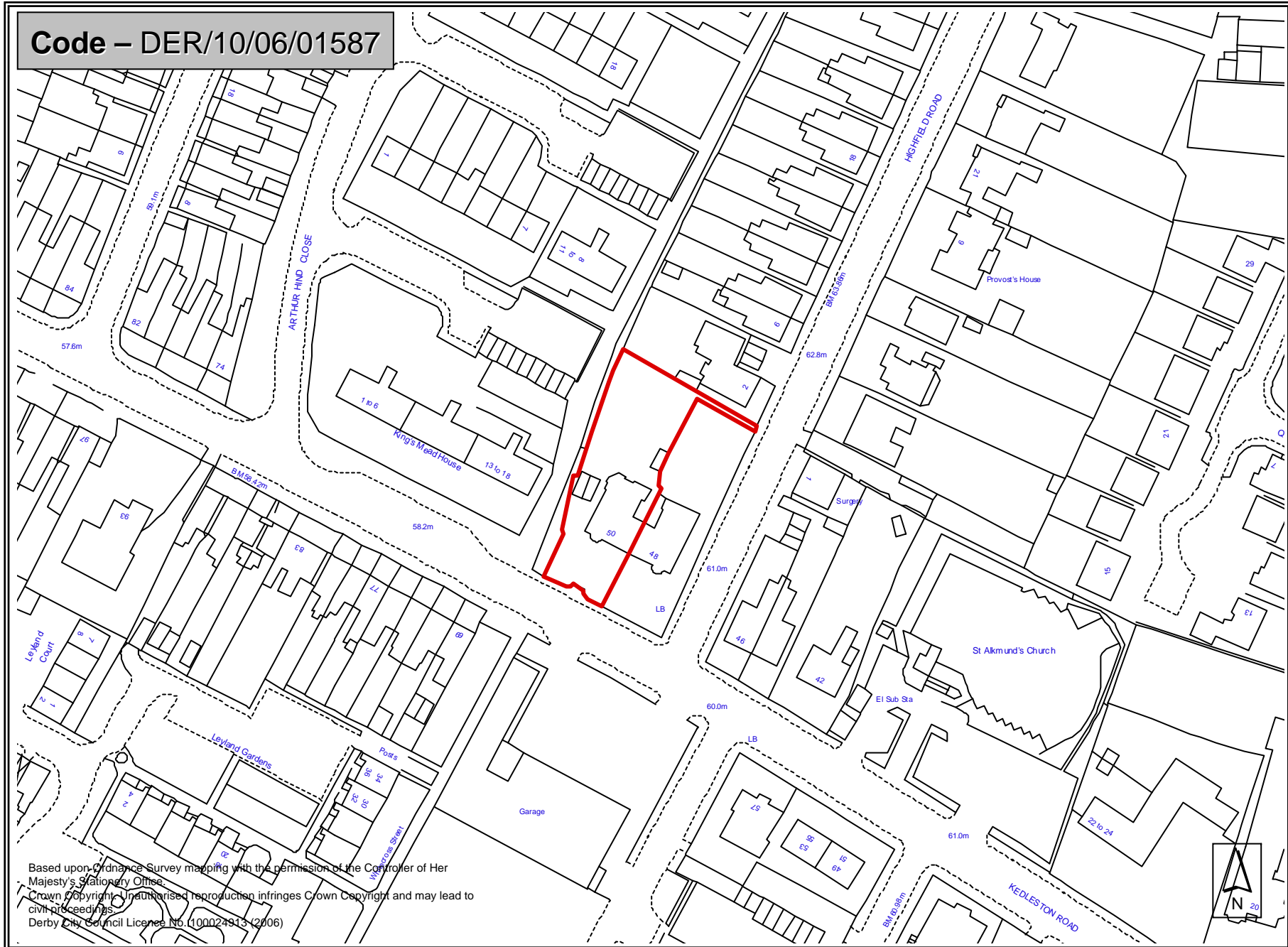
Standard condition 09b (amended plans 1 December 2006)

11.4 Reason

Standard reason E04

11.5 S106 requirements where appropriate: None.

Code – DER/10/06/01587



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B1 APPLICATIONS

4 **Code Nos:** DER/11/06/01802 &
DER/11/06/01803

Type: Full
Listed Building

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

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

3. **Description:** I reported these applications to the meeting held on 14 December 2006 in order to acquaint Members with their content and gain endorsement of the scheme in principle. Since then negotiations have continued and are still continuing. This report is updated as far as is possible in the description, consultation and officer opinion sections. I have also set out as far as I can the range of conditions that will be required but I expect to have to update Members on all aspects at the meeting

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

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

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

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

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

The site layout, as now amended, comprises an adoptable turning circle to the end of Roundhouse Road in order to complete this road to

B1 APPLICATIONS (cont'd)

4 Code Nos: DER/11/06/01802 & DER/11/06/01803

the proper standard. From it a separate ingress and egress lead to all parking and circulation areas. Most of the open areas are for these purposes or are hard landscaped, although the landscaping is still under active development. Along the south-eastern boundary it is now proposed to construct a 3m wide footpath and cycle route and I comment on the reason for this and related access matters in "Officer Opinion".

At the northern end of the site there is a freestanding new build proposal of some 6800 sq m on three floors and a day nursery. Total floorspace is some 21,600 sq m, with the remainder coming from the conversion of the listed buildings.

The general arrangement of facilities is engineering and construction in the Midland Counties building, a Resource Centre in the North Midland Carriage Shop, administration in the Clock Tower offices and exhibitions / food court in the Roundhouse itself. A notable feature will be the retention of the turntable with the ability to change exhibited locomotives via an extension of the entrance track which currently projects just a short way from the building.

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

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

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

5. Implications of Proposal:

5.1 Economic: This proposal has a major economic significance, well beyond the direct employment of some 250 who will mainly be transferred from Mackworth. It is intended to consolidate the College's ability to provide tertiary and adult education for the City and a substantial surrounding area, with emphasis on practical vocational

B1 APPLICATIONS (cont'd)

4 Code Nos: DER/11/06/01802 & DER/11/06/01803

skills to complement the academic and artistic work at the Joseph Wright Centre and the agricultural activities at Broomfield Hall.

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

There are some community safety implications which I deal with in "Officer Opinion". The college also has safety and security needs that are specific to its operations and are therefore different to those that obtained for previous schemes.

5.3 Highways:

Background

There are substantial implications in this scheme owing to the large number of people that are expected to attend on a daily basis. There will be a very significant increase in demand on public transport, pedestrian and cycling facilities. Improvements will be necessary if Derby College is to be accessible and if they are to achieve the targets set out in the Travel Plan. The College estimates that 1800 students and staff will arrive at the Roundhouse site in the morning peak.

Bus Services

From a travel survey undertaken by the College as part of their wider Travel Plan, currently around 49% of students access the various sites across the City by bus. Owing to the City Centre location of the Roundhouse, the College anticipates a student target bus mode split of 71% by 2010. At these levels it can be estimated from information in the Travel Plan and Transport Assessment that 1360 students and staff will access the site by bus in the morning peak hour. The College has not yet provided enough information as to how its proposal to operate 3 single deck buses, with a capacity of 45 people, running between its Prince Charles Avenue, Joseph Wright, and Roundhouse sites, will cope with this potential demand. In addition, no indication has been given on the expected bus patronage split between College and public services. Further information, including a detailed timetable and route plan showing the stops the College service will make, has been requested and this information remains outstanding. This information is important to the transportation assessment of the application and without the benefit of the information in advance of determining the application we should ensure that suitable conditions are applied

B1 APPLICATIONS (cont'd)

4 Code Nos: DER/11/06/01802 & DER/11/06/01803

requiring the information to be supplied and any resultant actions undertaken by the College. This is covered below in more detail later under the “Travel Plan” heading.

Public Transport Infrastructure

The bus stops on Pride Parkway serve routes to the south of the city and some students, staff and visitors may choose to use service buses rather than the College buses, although no figures on this potential demand have been provided in either the Travel Plan or Transport Assessment. As a result of the College’s relocation to the Roundhouse substantially improved bus stop, footway and crossing facilities will need to be provided. Pride Parkway is a 40 mph road and is a busy route into and out of the city centre. To ensure bus users are given an opportunity to cross the road safely improved pedestrian crossing facilities, perhaps in the form of a Toucan crossing, will be required. The College will need to fund these measures for their site to be accessible as if provision is not made it is likely that the City Council would have to provide these facilities following the opening of the college.

Travel Plan

The submitted Travel Plan includes targets to increase the number of people accessing the site by walking, cycling and bus. While this is to be encouraged detailed information about the numbers of people likely to use the dedicated college bus services has not been provided and neither has any information been made available to indicate that the transport arrangements provided by the college will meet the needs of those travelling to and from the site, including stop locations and facilities in the City Centre.

These matters need to be addressed by the Travel Plan and we need to make sure that the College is committed to maintaining an approach that delivers results. The applicant’s agent has said that “there seems to be some misunderstanding from the City Council on the college’s public transport access strategy and requirements for public transport infrastructure relating to the Roundhouse scheme”. I do not accept that suggestion: The TA and Travel Plan clearly outlines that around 1800 students will travel to the Roundhouse in the AM Peak and that the bus mode split will be 71%. Although, the location of the Roundhouse is described in the TA as City Centre the approximate 15 minute walk time from the main bus facilities clearly separates the Roundhouse from the City Centre in transport terms, particularly in hours of darkness and poor weather. Highways Officers are concerned that

B1 APPLICATIONS (cont'd)

4 Code Nos: DER/11/06/01802 & DER/11/06/01803

travel demand for the Roundhouse College bus service has not been considered in enough detail in the College's transport access strategy. If the college bus service cannot meet travel demand, then the conclusion has to be that many people accessing the college will need to rely on existing public service routes. However, this may have significant impacts on the capacity of existing bus services and City Centre facilities. For this to be realistic it will be necessary for the College to ensure that adequate infrastructure is in place. This will include improved bus stops and access to the college site as well as frequency and capacity of the public transport system. These matters need to be addressed by the Travel Plan and we need to make sure that the College is committed to maintaining an approach that delivers

Members have been advised previously that the capacity of the highway network within Pride Park is strained. Recent planning permissions within Pride Park will further exacerbate matters and, without proper controls, this proposal will further increase pressure on the highway network. The College Travel Plan makes reference to students using the Pride Park park and ride site. There is a danger that without sufficient effort by the College the park and ride site offers a seemingly simple alternative that will allow car usage to increase and alternatives, including bus travel, to decrease. It is essential that any planning permission delivers a suitable travel plan. It is also important in this instance that the College be held accountable for the outcomes of that travel plan.

Roundhouse Road

All previous schemes for Roundhouse Road, the Roundhouse group and the station car park have protected the future potential for linkage between bus / taxi and rail. A two-bus bay exists on the south-western side of the road, temporarily used by taxis, but until now bus operators have not used this facility for commercial services. The lack of intensive economic activity in the Roundhouse and the lack of a turning circle will have influenced this but the potential to use such a facility in the future must be safeguarded. This requires the completion of the road to adoptable standards to which the College has now agreed, subject to refinement of the design.

Foot and Cycle paths through the site

As the site is located between the railway station, strategic cycle network and bus routes on Pride Parkway good pedestrian and cycle links to and around the site are essential and will help the College meet

B1 APPLICATIONS (cont'd)

4 Code Nos: DER/11/06/01802 & DER/11/06/01803

the targets set out for increasing the numbers of students, staff and visitors who access the site by these means.

The difficulties in the College providing the links shown in the Local Plan are acknowledged but it is important that the alternatives offered are available, that adequate access arrangements and cycle parking are maintained and that this is reinforced by conditions on the planning permission.

Highway considerations that relate to physical on-site matters have been largely made satisfactory or are well on the way to be so, although I comment on such in "Officer Opinion". In relation to the wider transport impacts on Pride Park as a whole I also comment on the acceptability of the College's proposals in that section

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

5.5 Other Environmental: None.

6. Publicity:

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

7. Representations: None.

8. Consultations:

CAAC – subject to a site visit (which was undertaken jointly with that of this Committee on 11 December) fully to appreciate the issues involved in this complex proposal, the Committee generally welcomed this proposal to bring about the renovation and reuse of this complex of listed buildings that have been severely at risk for many years. The Committee expressed reservations over the demolition proposals but was of the view that these may be justified within the broader context of the overall scheme.

B1 APPLICATIONS (cont'd)

4 Code Nos: DER/11/06/01802 & DER/11/06/01803

It was felt that the proposed link building was of an inappropriate design being too elaborate / detailed without sufficient simple industrial character. It was considered that a simpler, robust design that reflected the strong rhythm of the listed railway buildings would be a more appropriate form of contemporary architecture in this instance. The Committee had similar concerns re the proposed new building at the northern corner of the site.

With regard to the treatment of the external areas, the Advisory Committee considered the proposals illustrated on the submitted plans to be inappropriate due to the amount of “soft” landscaping and the vertical elements created by the green walls and the raised grassed areas. It was considered that a more simple hard-paving scheme that reflected the past railway use of the site, should be sought. The Committee was mindful of the complexity of the proposal and recommended that all details relating to alteration, repair and refurbishment of the listed buildings be to the complete satisfaction of the Council’s Conservation Officer.

EH - strongly supports in principle the proposal to convert the group of railway buildings into a college. It will give a new use to a group of Grade II* listed buildings which have been at risk for many years and are now in serious danger of imminent collapse. The applicant, Derby College, has succeeded in securing offers of public funding from diverse bodies to realise the project, and English Heritage extends hearty congratulations for this achievement.

Notwithstanding this unequivocal endorsement for the broad lines of the application, EH does have certain reservations about the proposal as submitted and these are being addressed through ongoing negotiations. In principle these concern:

- the design of the new link building;
- the landscaping in relation to the character of the historic buildings;
- clarification is required of the proposals for the historic buildings through provision of further detailed designs, and improvement through modification of certain aspects.

The response goes on to offer very detailed and helpful advice which is being pursued with the architect in association with the EH officer.

DC (Archaeologist) – is satisfied that the construction proposals are unlikely to entail disturbance to any significant below ground archaeological evidence and will not pose a threat to the below ground

B1 APPLICATIONS (cont'd)

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archaeological interest. There may be a case for pre-development building recording of internal features which may be damaged or lost during the conversion process but the need or otherwise for such recording can be secured under listed building control.

EA – to be reported.

DofES (EH&TS) – no objection. Details of all kitchen facilities to be submitted in due course.

9. Summary of policies most relevant: Adopted CDLP Review:

- GD1 - Social inclusion
- GD2 - Protection of the environment
- GD3 - Flood protection
- GD4 - Design and the urban environment
- GD5 - Amenity
- GD8 - Infrastructure
- R1 - Regeneration (cross-reference to EP3)
- CC13 - Castle Ward (cross-reference to T15(9))
- EP3b - Pride Park, includes a wider range of permissible uses in the area including the Roundhouse, compared to Pride Park generally, and makes provision for a “civic square” adjoining the clock tower
- E10 - Renewable energy
- E11 - Recycling facilities
- E12 - Pollution
- E13 - Contaminated land
- E17 - Landscaping schemes
- E19 - Listed buildings
- E20 - Uses within buildings of architectural or historic importance
- E21 - Archaeology
- E23 - Design
- E24 - Community safety
- E25 - Building security measures
- E27 - Environmental art
- L11 - New community facilities
- LE1 - Education uses
- T1 - Transport implications of new development
- T4 - Access, parking and servicing
- T6 - Provision for pedestrians
- T7 - Provision for cyclists
- T8 - Provision for public transport
- T10 - Access for disabled people
- T15(9) - Pedestrian and cycle routes at Pride Park

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

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

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

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

- “normal” planning considerations, that is land use, economic development, site layout, transport and design in the broader sense
- listed building issues, including restoration, the level of acceptable demolition and change, the impact of external features such as new build, landscaping and highway and transport matters on the setting of the buildings.

Land use planning considerations

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

Large numbers of people will be accommodated and will have substantial transport needs, but these are likely to be far more

B1 APPLICATIONS (cont'd)

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manageable than alternatives involving commercial activities pulling in adult customers.

Employment

There is no forecast increase in employment, except that construction of phase 2 of the new build may add around 15 to 20, as all current staff will be transferred from elsewhere. However, the transfer of most from Mackworth is highly desirable as it moves staff from a location with poor access other than by car to one close to the City Centre, far better connected to public transport, although enhancements will be needed, as set out in section 5.3 above. The economic development benefit is not so much in terms of direct initial employment but of the contribution that the scheme makes to enhancing the range and quality of the City's educational provision.

Transport

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

Negotiations have led to an offered arrangement which is a compromise on the objectives of the Local Plan. The main features are set out below:

- An adoptable turning circle to deal with all terminating non-college traffic. This is an adaptation of that contained in the previously-approved scheme. The circle would be within an area that would be seen as a plaza fronting the eastern entrance to the station. The agreement reached is that, whilst the College will be responsible for the turning circle and ancillary paving / landscaping on its side of the road, it will not have any responsibility for works on the station side intended to cater for rail travellers. The "civic square" is a long-standing Local Plan objective to achieve a space of some distinction, rather than a simple roadway, in the area between the station entrance and the clock tower. Further design work, as a joint exercise involving the City Council, the College and

B1 APPLICATIONS (cont'd)

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Network Rail, is required and will have to be carried out subsequently to the grant of permission.

- The pedestrian and cycle route from the station entrance to the north (policy T15(9) of the CDLP-R) is omitted as a highway as it would compromise severely the College's security needs. The College had indicated that it would offer a permissive path on a broadly similar route during its opening hours. These are likely to be from around 0730 to 2000 or later on weekdays, up to lunchtime on Saturdays but not on Sundays or public holidays. It would be open during the traditional academic holidays as staff would in and the day nursery would be operating.

The agent has now advised me that his clients would be unhappy with this and feel that it is not justified having regard to the path in the bullet point below. He explains:

“Having considered the practicality of any management of some form of restricted hours route, this again would cause more problems of security and safety. Whilst we are willing to discuss this issue further, now that an adoptable footpath route has been provided, we would ask the City Council to conclude that there was appropriate permeability through the site and a compromise has been achieved which is better than a managed route through the site at restricted times. In any event, any time restrictions could only extend to the opening hours of the college. This proposal does not alter the college's intentions to allow public access in a controlled way to view the Roundhouse and the listed building as required by the funders of the scheme”.

- A further pedestrian / cycle route on the alignment identified in the previous (1996) Local Plan between the site and Interfleet Technology to reach the bus stop locations on Pride Parkway. This would be highway open at all times. It would be the obvious route for pedestrians from the bus stops but would probably only be used by cyclists when any permissive path through the College grounds was not available. There is likely to be the need for a formalised crossing of Pride Parkway at this point.

The agent has commented on this as follows:

“In considering matters, we do not think that such contributions would be necessary. There is already a pedestrian refuge crossing over Pride Parkway at the roundabout between Pride Parkway and Roundhouse Road some 70 metres from the college and the

B1 APPLICATIONS (cont'd)

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provision of another crossing would in our view be unjustified, particularly bearing in mind that other potential bus users could be working in the offices on Pride Park where the existing crossing facilities are most convenient”.

I accept the Highway Officers’ advice that a crossing will be necessary but, as set out in conclusions below, feel that it is not practical to make the College provide this.

Landscaping, public access and design comments

In the application the whole of the area between in the angle of the main listed buildings is shown as a landscaped area. The original approach has been abandoned and the revision is being progressed. It is mainly hard landscaping. Provision will be made for the rail track directly in line with the Roundhouse entrance to be extended to make it accessible by low-loader for the occasional change of locomotives.

It would therefore be an area of high-quality external space and be available during the same times as the path across the site. Its use, like the path, would be on a permissive basis. In principle I consider that this facility could be an acceptable substitute for the civic square as envisaged up until now. Some discussions have taken place on how the College would manage the area and its likely policy on the grounds on which people might be excluded. This aspect needs further thought on both sides and I suggest that it should be covered by condition.

The major new build three-storey block of some 6800 sq m has some similarities to the link block (see below) but is of a simpler form. It makes no attempt to replicate the historic forms but this has not been asked for. At 10m corner-to-corner to the Midland Counties building there is clearly a relationship, but the spacing is sufficient to avoid its being uncomfortable. The application seeks permission for the eventual version but only around 73% will be constructed initially. The drawings indicate the temporary treatment at its northern end which is satisfactory for an elevation that is well away from the listed buildings.

To the north of this major new build block a freestanding day nursery is proposed. This facility is difficult to locate in terms on accessibility, visual impact and the fact that it must be totally secure both in the building and the external play areas. It would be much easier were this independent facility not required but it is essential to the College’s functioning. Taking all constraints into account the location is as good

B1 APPLICATIONS (cont'd)

4 Code Nos: DER/11/06/01802 & DER/11/06/01803

as is obtainable anywhere on the site and the design is acceptable for a location remote from the listed buildings.

Listed building issues

English Heritage has been involved in the preparation of this scheme at a much earlier stage than previous ones. I have summarised the concerns of EH officers in section 8 above. I hope that agreement, including any necessary amendments, on the external changes and the principal internal changes will be reached by the date of the meeting. The finer specification and details of repair and restoration will need to be covered by condition. Apart from the impossibility of producing the vast amount of detailing in time, as in all listed building restoration specifications and methods may have to be revised as the work progresses and problems are uncovered and the conditions need to allow for this.

The most contentious matter, as in previous schemes, is the justification for the demolition of the smithy and adjoining buildings and the insertion of a link block in a quite distinct modern idiom. The CAAC criticised this and negotiations are continuing.

The scheme architects have appointed specialist landscape architects and the entire external areas treatment is being reconsidered. I am aware that there are divergences of opinion as to the right approach. Historical authenticity would suggest nothing in the way of vegetation but I feel that that would give a needlessly harsh appearance and that some planting, but not such as to obscure the ability to appreciate that buildings, should be used.

A linkage to the general planning considerations for the external areas is that, in places, the security fence / gates will abut the listed buildings. Certain suggestions have been made about type and quality and confirmation of this detailing is awaited. The alignment will, in part, depend on what can be achieved for the "turning circle" area and what seems sensible for the boundary between the highway and the College grounds.

As the work involves alterations, and some demolition, to grade II* buildings, the listed building application will need to be referred to the Secretary of State. In view of the close involvement of English Heritage and its support for the proposals I would not expect the Secretary of State to call in the application. At the date that this report went to print it was apparent to me that all listed building issues will not be clarified by the date of the meeting. Reference to the Secretary of

B1 APPLICATIONS (cont'd)

4 Code Nos: DER/11/06/01802 & DER/11/06/01803

State will allow a little more time and, as the issue of listed building consent is not quite so vital in terms of funding timescale, my recommendation is I think the appropriate way forward.

Conclusions

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

I consider that the external works layout matters has now been reconciled to the extent that the finer detail can be dealt with by condition. I consider that, in view of the achievement of a highway path along the south-eastern boundary, both the pedestrian / cycle route and the civic square policy objectives could be acceptable on a permissive basis. An Agreement or memorandum of understanding will be necessary to establish the basis on which they could be used other than by students and staff. Realistically this is likely to be on the same basis that anyone can walk, for example, through the University grounds, that is that they are not challenged unless their behaviour gives rise to concern. This aspect is covered in my recommended condition 8 but it is for Members to consider whether they wish to have the matter formalised in this way or whether admittance to and through the site is to be left to the College's discretion.

The advice from the department's Highways Officers is that it will be necessary for the College to ensure that adequate public transport infrastructure is in place, including improved bus stops, access to the college site and the frequency and capacity of the public transport system. These matters need to be addressed by the Travel Plan and we need to make sure that the College is committed to maintaining an approach that delivers results so that the College can be held accountable for the outcomes of that Travel Plan.

Members will see from the comments earlier in this report that the Officers are not satisfied with the current Travel Plan. This does not mean that it would in any way be imprudent to grant planning permission but it does mean that there is hard work ahead in approving any amended version of the Plan. Any deficiency is not in the site layout. I believe that this has to be accepted as it now is as parking numbers are limited by aesthetic considerations as much as transport ones. The space for College bus services is adequate given realistic

B1 APPLICATIONS (cont'd)

4 Code Nos: DER/11/06/01802 & DER/11/06/01803

loading and unloading times – the question is how the provision of those buses can be regulated.

Highways Officers also consider that the College will need to fund the public transport enhancement measures as, if provision is not made, it is likely that the Council would have to provide these facilities following the opening of the college. The College has declined to provide funding and I have to advise Members that, despite my conviction that it is a legitimate charge on the development, I have to advise that that situation should be accepted.

My reasoning is that this is a public sector development with a multi-million pound shortfall which is to be met from a variety of other, all public, sources. Burdening it with yet more liabilities because of the budgetary constraints of one public body would simply increase the shortfall.

Apart from the overall benefits mentioned above, the development will provide local transport-related benefits to non-college users. These include the completion of Roundhouse Road, opening the way for a more satisfactory station entrance, the shorter highway pedestrian and cycle route to Pride Parkway and the permissive route during college opening hours.

I need not remind Members that this is not a vacant site, it is inhabited by a very problematic group of significant listed buildings and, to secure their restoration, other objectives have to be reined in.

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

11. Recommended decision and summary of reasons:

DER/11/06/01802 – Planning Application

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material considerations.

B1 APPLICATIONS (cont'd)

4 Code Nos: DER/11/06/01802 & DER/11/06/01803

The development will ensure the restoration and secure the future maintenance of a group of listed grade II* and grade II buildings of national significance by bringing them into beneficial use.

The development will provide a highly beneficial educational facility in a location that is more centrally and conveniently situated in relation to the college's current and past sites and will contribute to the range of the City's facilities in a sustainable manner. It will secure the completion of Roundhouse Road and allow work to proceed on the provision of a more satisfactory eastern entrance to the station.

The absence of the civic square envisaged in policy EP3(b) and of the pedestrian and cycle route envisaged in policy T215(9) of the adopted City of Derby Local Plan Review – 2006 is acceptable in view of the arrangements to be made for controlled public access to and through the site and to the provision of a highway path on an alternative alignment.

11.3 Conditions

1. This permission shall relate to the application as amended by the documents and drawings listed on the schedule headed "schedule referred to in condition 1" attached to the decision notice, unless the Local Planning Authority has agreed in writing to any variation as a result of circumstances related to the construction and condition of the existing buildings on the site.
2. Within six months of the commencement of the development, further details to supplement the landscaping scheme referred to in the schedule in condition (1) above, indicating the types and position of trees and shrubs, and any revisions of paved and other areas, shall be submitted to the Local Planning Authority.
3. The landscaping scheme approved under conditions (1) and (2) shall be carried out within 12 months of the completion of the development or the first planting season whichever is the sooner, and any trees or plants which, within a period of five years from the date of such landscaping works, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. No vehicles shall be driven or parked on landscaping areas except for those vehicles necessary for the maintenance of those areas unless otherwise agreed in writing by the Local Planning Authority.

B1 APPLICATIONS (cont'd)

**4 Code Nos: DER/11/06/01802 &
 DER/11/06/01803**

4. Standard condition 27 (materials)
5. The space indicated on the approved plan(s) for the circulation, loading, unloading and parking of vehicles shall be kept free of other obstruction at all times for those purposes. The parking spaces shall be used exclusively for the accommodation of vehicles attracted to the college activities and day nursery to be provided on the site.
6. No development shall be commenced until further details of the “turning circle” area have been submitted to the Local Planning Authority. Such details shall be comprehensive in respect of the vehicular turning area space and areas on the college side thereof, and shall indicate generally arrangements on the station side thereof.
7. No development shall be commenced until the details submitted under (6) above have been approved in writing by the Local Planning Authority, either totally or partially in such form that allows the development to proceed whilst remaining details are negotiated. Such final details as are approved shall be implemented, in respect of the area for which the College is to be responsible, before the development is taken into use.
8. Members of the public shall be permitted to walk or cycle through the college grounds on defined routes during the times that the college is open and subject to proper regard for the College’s security needs. No development shall be commenced until details of the management of such a facility, including expected hours and days of availability and any security-related restrictions, have been submitted and approved in writing by the Local Planning Authority. Such arrangements shall be maintained permanently subject to minor variations being agreed in writing and significant variations being approved under a formal application for the variation of this condition.
9. Within six months of the commencement of development the developer shall submit to the Local Planning Authority an enhanced and revised Travel Plan. This Plan shall make provision for initial transport provision and for the monitoring and revision of it in the light of experience on a permanent basis. The College shall implement and maintain such provisions as may be approved except as may varied by agreement between it and the Local Planning Authority.

B1 APPLICATIONS (cont'd)

4 Code Nos: DER/11/06/01802 &
 DER/11/06/01803

11.4 Reasons

1. For the avoidance of doubt whilst allowing flexibility in respect of variations for which the need would not be apparent until work is under way.
2. The submitted and approved landscaping scheme defines the landscaping sufficiently to permit the development to commence in advance of the determination of species and disposition of planting, in accordance with the objectives of policy E17 of the adopted City of Derby Local Plan Review – 2006.
3. Standard Reason E10 (add: “in accordance with the objectives of policy E17 of the adopted City of Derby Local Plan Review - 2006”)
4. Standard Reason E14 (add: “in accordance with the objectives of policies E19 and E23 of the adopted City of Derby Local Plan Review - 2006”)
5. Standard Reason E16 (add: “in accordance with the objectives of policies T4, T6, T7 and T10 of the adopted City of Derby Local Plan Review - 2006”)
6. Further details are required to ensure that the functionality and quality of this space is consistent with policies EP3(b), E19, T1, T4, T6, T7, T8 and T10 of the adopted City of Derby Local Plan Review – 2006 and with the advice in Planning Policy Guidance Note 15.
7. To allow the development to proceed in recognition of the probability that final arrangements for areas outside the applicant’s responsibility will not be agreed by the date that development is required to commence.
8. To clarify the basis on which this permissive route, which is required in recognition of the non-provision of the footpath and cycle route on the alignment indicated in policy T15(9) of the adopted City of Derby Local Plan – 2006, will be made available.
9. To ensure that access needs of different sections of the community are met, that the opportunities for modal shift are properly examined and implemented in the interests of reducing unnecessary use of the private car and to meet the objectives of policies T1, T4, T6, T7 T8 and T10 of the adopted City of Derby Local Plan – Review 2006.

B1 APPLICATIONS (cont'd)

4 Code Nos: DER/11/06/01802 & DER/11/06/01803

DER/11/06/01803 - Listed Building Application

11.1 (a) **To resolve** that the City Council is minded to grant listed building consent;

(b) **To refer** the application to the Secretary of State with a supporting statement; in the event of the Secretary of State not calling in the application;

(c) **To authorise** the AD – R to **grant listed building consent** with conditions.

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material considerations, including those in Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the advice in Planning Policy Guidance Note 15.

The development will ensure the restoration and secure the future maintenance of a group of listed grade II* and grade II buildings of national significance by bringing them into beneficial use. Where demolition is involved, this justified to secure the restoration of the more significant parts of the buildings by the provision of a highly beneficial educational facility and the completion of Roundhouse Road in a manner that will itself enhance the setting of the listed buildings.

11.3 Conditions

[These are provisional; some may be rendered unnecessary by the provision of information before determination and others may have to be added in the light of further advice from English Heritage]

1. This listed building consent shall relate to the application as amended by the documents and drawings listed on the schedule headed "schedule referred to in condition 1" attached to the decision notice, unless the Local Planning Authority has agreed in writing to any variation as a result of circumstances related to the construction and condition of the buildings.
2. Standard condition 27 (materials)
3. No work on the installation of any secondary glazing shall be commenced until details of it have been submitted to and approved in writing by the Local Planning Authority.

B1 APPLICATIONS (cont'd)

**4 Code Nos: DER/11/06/01802 &
 DER/11/06/01803**

4. Where, within the existing office wings abutting the clock tower, internal walls have to be upgraded in relation to their fire resistance, the following procedures shall be adopted: (a) Where there is one "plain" side, that is devoid of cornices, skirting or other ornamental features that would need to be disturbed or obscured, that side shall be used; (b) In any other case, details of the work shall be submitted to and approved in writing before such work is commenced.
5. In relation to the Roundhouse, notwithstanding the details set out in the application, details of the following shall be submitted to and be approved in writing by the Local Planning Authority before any work on the Roundhouse is commenced: (a) The re-construction of the lantern, together with evidence on which it is based; (b) Any balustrading and adaptations to the turntable; (c) Any adaptations or removal of fittings.
6. In relation to the North Midland Carriage Shop, notwithstanding the details set out in the application, details of the following shall be submitted to and be approved in writing by the Local Planning Authority before any work is commenced: (a) Any adaptations or removal of craneage, structural support thereof or other fittings.
7. No work on the proposed opening lights in the cast iron windows shall be commenced until details (to a scale of 1:10) have been submitted to and approved in writing by the Local Planning Authority.
8. No work on the installation of any closed circuit television system or other security installation shall be commenced until details of it have been submitted to and approved in writing by the Local Planning Authority.
9. All works, (including works of repair that in themselves would not require listed building consent), shall be carried out in accordance with the plans, specifications and recommendations set out in the documents listed in the schedule attached to condition 1 above, but subject to conditions 11 and 12 below and to the submission (or inspection on site for large components) and approval in writing by the Local Planning Authority of samples of materials.
10. Where material is to be removed, or new building, painting (or other surface decoration and protection work), mechanical, heating, ventilating or electrical work is to be carried out and details of it have not been included in the details referred to in condition 9 above, no such work shall be carried out until details of it have been submitted to and approved in writing by the Local Planning Authority.

B1 APPLICATIONS (cont'd)

4 Code Nos: DER/11/06/01802 & DER/11/06/01803

11. Should it become apparent during the construction of the works that any details, specifications or systems approved under the conditions or as part of the documents forming part of the application at the time of this decision, are no longer practical, appropriate or desirable, alternative details shall be submitted, either in writing or by way of samples as may be appropriate, and shall not be implemented until such have been approved in writing.
12. Where the submitted and approved Method Statement sets out general procedure, details of its practical implementation shall be submitted and approved in writing by the Local Planning Authority before such works are carried out.
13. Within one year of the completion of the works, a report reviewing the works, as set out in the submitted Conservation Plan, shall be submitted to the Local Planning Authority.

11.4 Reasons

1. For the avoidance of doubt, whilst allowing flexibility in respect of variations for which the need would not be apparent until work is under way.
2. To enable the Local Planning Authority to be satisfied that the buildings are restored and converted in a manner and to specifications appropriate to their Grade II* listing status in accordance with policies E19 and E20 of the adopted City of Derby Local Plan, the advice in Planning Policy Guidance Note 15 and the duties in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. To enable the Local Planning Authority to be satisfied that the buildings are restored and converted in a manner and to specifications appropriate to their Grade II* listing status in accordance with policies E19 and E20 of the adopted City of Derby Local Plan, the advice in Planning Policy Guidance Note 15 and the duties in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. To enable the Local Planning Authority to be satisfied that the buildings are restored and converted in a manner and to specifications appropriate to their Grade II* listing status in accordance with policies E19 and E20 of the adopted City of Derby Local Plan, the advice in Planning Policy Guidance Note 15 and the duties in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

B1 APPLICATIONS (cont'd)

**4 Code Nos: DER/11/06/01802 &
 DER/11/06/01803**

5. To enable the Local Planning Authority to be satisfied that the buildings are restored and converted in a manner and to specifications appropriate to their Grade II* listing status in accordance with policies E19 and E20 of the adopted City of Derby Local Plan, the advice in Planning Policy Guidance Note 15 and the duties in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. To enable the Local Planning Authority to be satisfied that the buildings are restored and converted in a manner and to specifications appropriate to their Grade II* listing status in accordance with policies E19 and E20 of the adopted City of Derby Local Plan, the advice in Planning Policy Guidance Note 15 and the duties in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7. To enable the Local Planning Authority to be satisfied that the buildings are restored and converted in a manner and to specifications appropriate to their Grade II* listing status in accordance with policies E19 and E20 of the adopted City of Derby Local Plan, the advice in Planning Policy Guidance Note 15 and the duties in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. To enable the Local Planning Authority to be satisfied that the buildings are restored and converted in a manner and to specifications appropriate to their Grade II* listing status in accordance with policies E19 and E20 of the adopted City of Derby Local Plan, the advice in Planning Policy Guidance Note 15 and the duties in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. To enable the Local Planning Authority to be satisfied that the buildings are restored and converted in a manner and to specifications appropriate to their Grade II* listing status in accordance with policies E19 and E20 of the adopted City of Derby Local Plan, the advice in Planning Policy Guidance Note 15 and the duties in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
10. To enable the Local Planning Authority to be satisfied that the buildings are restored and converted in a manner and to specifications appropriate to their Grade II* listing status in accordance with policies E19 and E20 of the adopted City of Derby Local Plan, the advice in Planning Policy Guidance Note 15 and the duties in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. To enable the Local Planning Authority to be satisfied that the buildings are restored and converted in a manner and to specifications appropriate to their Grade II* listing status in accordance with policies

B1 APPLICATIONS (cont'd)

**4 Code Nos: DER/11/06/01802 &
 DER/11/06/01803**

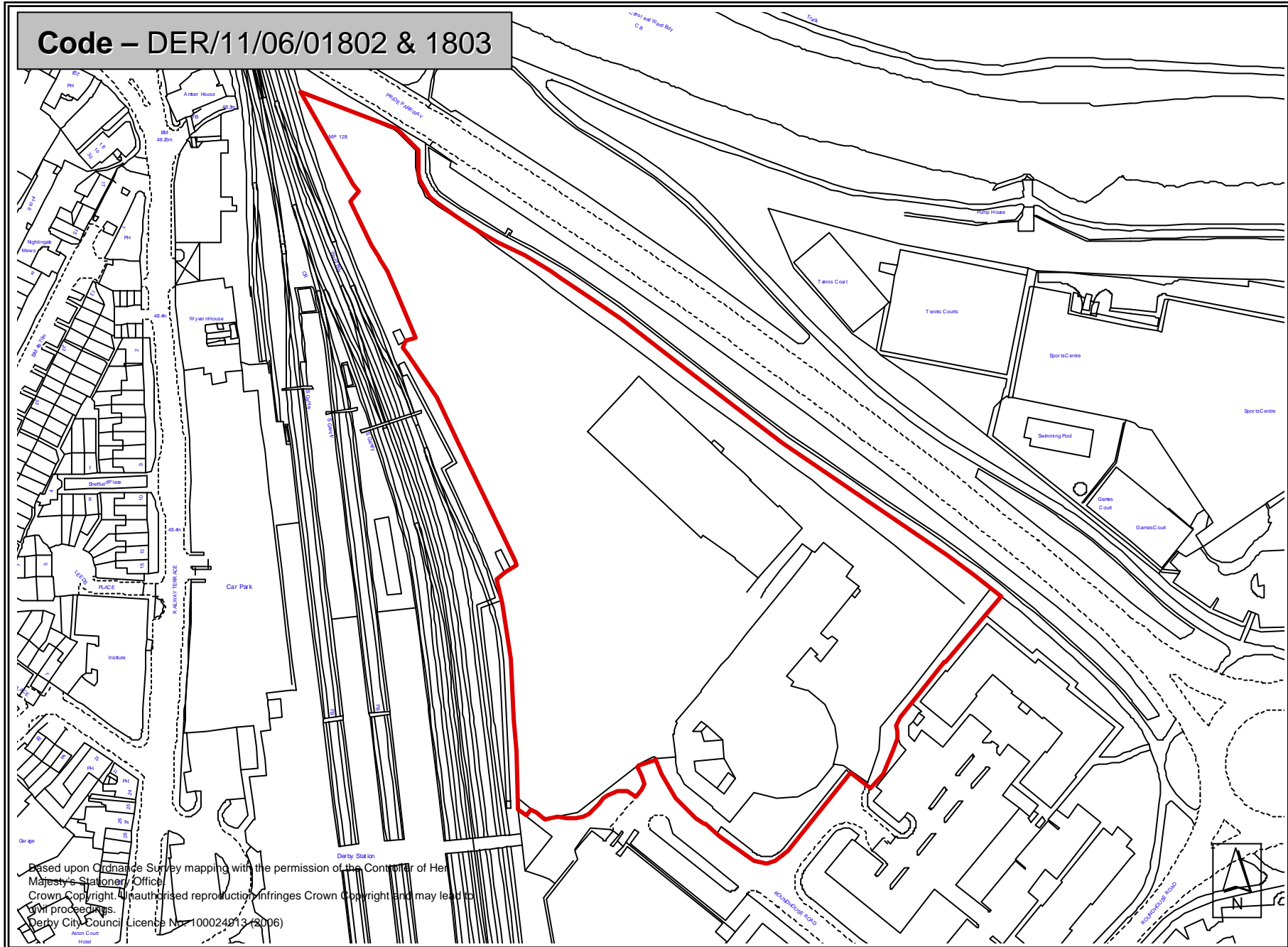
E19 and E20 of the adopted City of Derby Local Plan, the advice in Planning Policy Guidance Note 15 and the duties in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. To enable the Local Planning Authority to be satisfied that the buildings are restored and converted in a manner and to specifications appropriate to their Grade II* listing status in accordance with policies E19 and E20 of the adopted City of Derby Local Plan, the advice in Planning Policy Guidance Note 15 and the duties in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

13. To demonstrate that the works have been carried out in a satisfactory manner and to form part of the historical record of the buildings.

11.5 S106 requirements where appropriate: None.

Code – DER/11/06/01802 & 1803



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B1 APPLICATIONS (cont'd)

5 Code No: DER/11/06/01859

Type: Full

1. **Address:** Site of 71 Weston Park Avenue, Chellaston
2. **Proposal:** Demolition of existing dwelling and erection of 9 dwelling houses and access road (revised application)
3. **Description:** The application site is a large residential plot located on the southern side of Weston Park Avenue in Chellaston. It currently accommodates a single detached bungalow. The plot is rectangular in shape and it has a frontage with Weston Park Avenue of approximately 28m. Weston Park Avenue is generally residential in character and is lined with detached and semi detached dwellings. An access drive extends along the application site's western boundary and provides access to a single detached bungalow which sits to the south of the application site.

Planning permission is sought for the demolition of the existing bungalow and the erection of nine dwellings on the site. Two pairs of semi detached dwellings are proposed to front Weston Park Avenue with a central access road proposed to extend between them and provide access to five dwellings sited on the southern part of the site. Each of the dwellings fronting Weston Park Avenue would have 2 parking spaces. A total of 8 spaces are proposed for the five dwellings at the rear, two for plot 7, one each for plots 5, 6, 8 and 9 with two visitor spaces between them.

4. **Relevant Planning History:**

DER/1106/1859 – demolition of dwelling and erection of 9 dwelling houses and access road – withdrawn 20 November 2006.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** This scheme proposes a combination of both semi detached and terraced dwellings for this site. Two storey semi detached properties are proposed to front Weston Park Avenue and are a type of dwelling that are characteristic of the existing street scene. These dwellings would also sit in line with the established pattern of development along Weston Park Avenue. The dwellings which are proposed to the rear of the site would not be so visible within the context of the existing street scene. However they also include a pair of semi detached dwellings and a modest row of three terraces and are of a scale that I do not consider to be out of place in this existing residential context. I raise no objections to this scheme on design grounds.

B1 **APPLICATIONS** (cont'd)

5 **Code No:** DER/11/06/01859

5.3 Highways: The proposal includes 16 no. parking spaces which are satisfactory as it includes for 200% parking on the fronting properties. Shared use of the access road is acceptable and I note provision for refuse/recycling bins within the 1m strip paved margin. Measures should be taken to prevent surface water run off onto the highway. There are no highway objections to the scheme.

5.4 Disabled People's Access: Recommend that one lifetime home dwelling is secured. The remainder of the units will have a degree of accessibility through compliance with building regulation guidance.

5.5 Other Environmental: The site contains a number of trees that sit predominantly on the southern part of the site. The majority are fruit trees and are proposed to be felled in order to facilitate this development. A tree survey was submitted with the application and it is considered that there are no trees on the site that are worthy of protection by a preservation order.

A bat survey has been undertaken and no bats were found to be present on site. The views of Natural England are detailed in section 8 of this report.

6. **Publicity:**

Neighbour Notification letter	18	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:**

Eleven objections to this application had been received including one from Councillor Tittley.

The nature of the objections raised, relate to:

- The proposal offering a cramped and over intensive form of development.
- The site not constituting brownfield land but is a valuable green space
- The proposal offers insufficient parking provision and would result in increased traffic, congestion and on-street parking on Weston Park

B1 APPLICATIONS (cont'd)

5 Code No: DER/1106/1859

Avenue.

- The loss of trees on the site effecting local wildlife
- Local infrastructure being unable to accommodate additional housing
- The design and density of the development being out of keeping with the character of other houses in the street
- The lack of front gardens, spoiling the street scene
- The development would isolate the bungalow located to the rear of the site
- Increased noise and light pollution
- Los of privacy and light for neighbouring residents.

8. Consultations:

DCommS (Arboriculture) – No trees have been identified on the site as worthy of retention therefore there are no objections to the proposals.

DWT - Are not aware of any substantive nature conservation interest within the proposed development site but do hold a record for Pipistrelle bat in the local area. The building proposed for demolition has been surveyed by a suitably experienced and licensed bat worker and the work has concluded that there is no indication of the presence of bats or bat roosts in the building. The extensive garden area around the bungalow will be of value and benefit for wildlife. From the application documentation there does not appear to be any features within the development design which are of benefit for biodiversity. This combined with the loss of the gardens and orchard means that the proposed development is likely to result in a net loss of biodiversity within the development site.

Natural England – Though the bat survey was undertaken at a sub-optimal time the buildings are generally unsuitable for roosting bats and no evidence of bats was found. None of the trees scheduled for works were considered to be suitable for roosting bats. Natural England therefore holds no objection to the application with respect to bats but if permission is granted would wish for a condition to be attached to require an additional bat survey to be undertaken if works do not commence within one year of planning permission being granted.

B1 **APPLICATIONS** (cont'd)

5 **Code No:** DER/1106/1859

Crime Prevention Design Advisor – The site offers a secure boundary with the potential to create a fully enclosed crime resistant development. The standard house type layout offers no natural surveillance opportunities and all main habitable rooms are rear facing. I would liked to have seen a mix with main living rooms having views into the parking court and on the frontage, living rooms that can contribute to surveillance of the street and a safe and active frontage. PPG3 recommends that parked vehicles when not in-curtilage should have views from the associated owner's premises. The layout offers no direct views from 2 of the plots which could lead to indiscriminate parking within the cul de sac. The vehicle parking for the row facing the street will also suffer from poor surveillance and control due to the house type layout.

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

- GD4 - Design and the urban environment
- GD5 - Amenity
- H13 - Residential development - general criteria
- E5 - Biodiversity
- E9 - Trees
- E10 - Renewable energy
- E17 - Landscaping schemes
- E23 - Design
- T1 - Transport implications of new development
- T4 - Access, parking and servicing

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

10. **Officer Opinion:** There are no objections in principle to the residential redevelopment of this site. The site is located in a residential area and the site forms part of the residential context of Weston Park Avenue. As previously developed land it meets the criteria for brown field regeneration advocated in Central Government Guidance in PPS3. At 0.16 hectare is size, the proposal offers a development of 56 dwellings per hectare.

Siting and Design

The siting of the proposed dwellings which are to front the highway would be in line with the existing pattern of development along Weston Park Avenue. The other five dwellings would sit to the rear of the established built form of the street scene but this type of development is not uncharacteristic of Weston Park Avenue. The bungalow at no. 73, which sits to the south of the application site, already enjoys a backland position in relation to neighbouring property even though it

B1 APPLICATIONS (cont'd)

5 Code No: DER/1106/1859

takes its access from Weston Park Avenue. A residential care home also enjoys a backland position, to the rear of dwellings to the east of the application site on Weston Park Avenue.

Each of the dwellings is proposed to accommodate a reasonable amount of private garden space. The central access road and the private drive to no. 73 will also provide space between the pairs of semi detached property which are to front Weston Park Avenue and although this application proposes a much denser form of development than it currently accommodates, I do not consider the dwellings would appear cramped in the context of the street scene.

The scale of the individual dwellings is not excessive. They are proposed to have simple yet balanced elevations and I do not consider they would appear out of place in this residential context. Weston Park Avenue does contain dwellings of various size and height and I feel that the two storey pairs of semi detached property which are detailed as fronting this development would fit in with the character of this street scene. The dwellings to the south of the site would not be viewed fully within the context of Weston Park Avenue, but I still consider them to offer attractive residential property for the locality.

The land to the front of the four dwellings which are to face onto Weston Park Avenue is to be used for car parking which offers a large area of hard surfacing and little scope for landscaping. However, a number of dwellings in the locality use their frontages for parking. Although more landscaping would be desirable across this frontage, I do not consider the use of this area of the site for parking to be uncharacteristic of residential locations such as this and do not consider this element of its design offers grounds for refusal of planning permission.

Amenity Considerations

This proposal offers a much more intense form of development than the site accommodates currently and the spacious setting of the site and views in and around the existing site would obviously be changed by the proposed development. However the layout of the proposal meets with our normal space standards and distances of over 22m are met between the windows in the front elevation of the new dwellings and those on the opposite side of Weston Park Avenue. The five houses at the rear of the site would also have their fronting windows 21m from those in the rear elevations of the neighbouring houses on Weston Park Avenue. In this case, I feel that one of the most important relationships to consider is that of the development to 73 Weston Park Avenue, given that this neighbouring property is a bungalow and it has its principal windows less than 6m from the application site's southern

B1 APPLICATIONS (cont'd)

5 Code No: DER/1106/1859

boundary. However, given the garden depths proposed on site and the siting of the proposed dwellings, our space standards have been met between any of the new windows that would have a direct relationship to those in the frontage of no. 73. Grounds for refusal of planning permission based on a loss of privacy and amenity for existing neighbouring occupiers would therefore be difficult to sustain in this case.

Highways and Parking

There are no highway objections to the intensification of use proposed on this site and the proposed access to the site is considered acceptable in highway terms. Levels of proposed parking provision are considered to be appropriate.

Environmental Issues

On the basis of the submitted bat survey it is concluded that it is unlikely that the site would support a bat roost. Natural England and Derbyshire Wildlife Trust have not objected to the application on this basis. I have noted Derbyshire Wildlife Trust's comments regarding a net loss of biodiversity on the site but considered alongside PPS 3's aim to provide more efficient use of brownfield sites such as this, I do not feel that it offers comprehensive grounds for refusal of planning permission in this case.

It is not considered that there are any trees on this site that are worthy of protection. The loss of trees on the site is not ideal, but it is considered preferable that a landscaping scheme be sought by condition should planning permission be granted for this development, which would see the planting of trees in positions in which they are more likely to be retained by future occupiers.

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

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated at 9. above and the siting, design, street-scene and massing impact of the proposed development is considered to be acceptable in this location.

B1 APPLICATIONS (cont'd)

5 Code No: DER/1106/1859

11.3 Conditions

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

7. No development shall commence until a scheme including the timing for the provision of surface water drainage works and foul water drainage provision has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of Sustainable Drainage features unless otherwise agreed in writing by the Local Planning Authority.

8. The south facing roof slopes shall have full regard to the need to reduce energy consumption, and a scheme shall be submitted to, and approved by the Local Planning Authority, to demonstrate what measures are proposed before the development is commenced. The approved scheme shall be implemented in its entirety before the respective dwelling is occupied unless otherwise agreed in writing by the Local Planning Authority.

9. The side facing landing windows to plots 1, 4, 5 and 9 shall be obscure glazed and maintained as such at all times thereafter.

11.4 Reasons

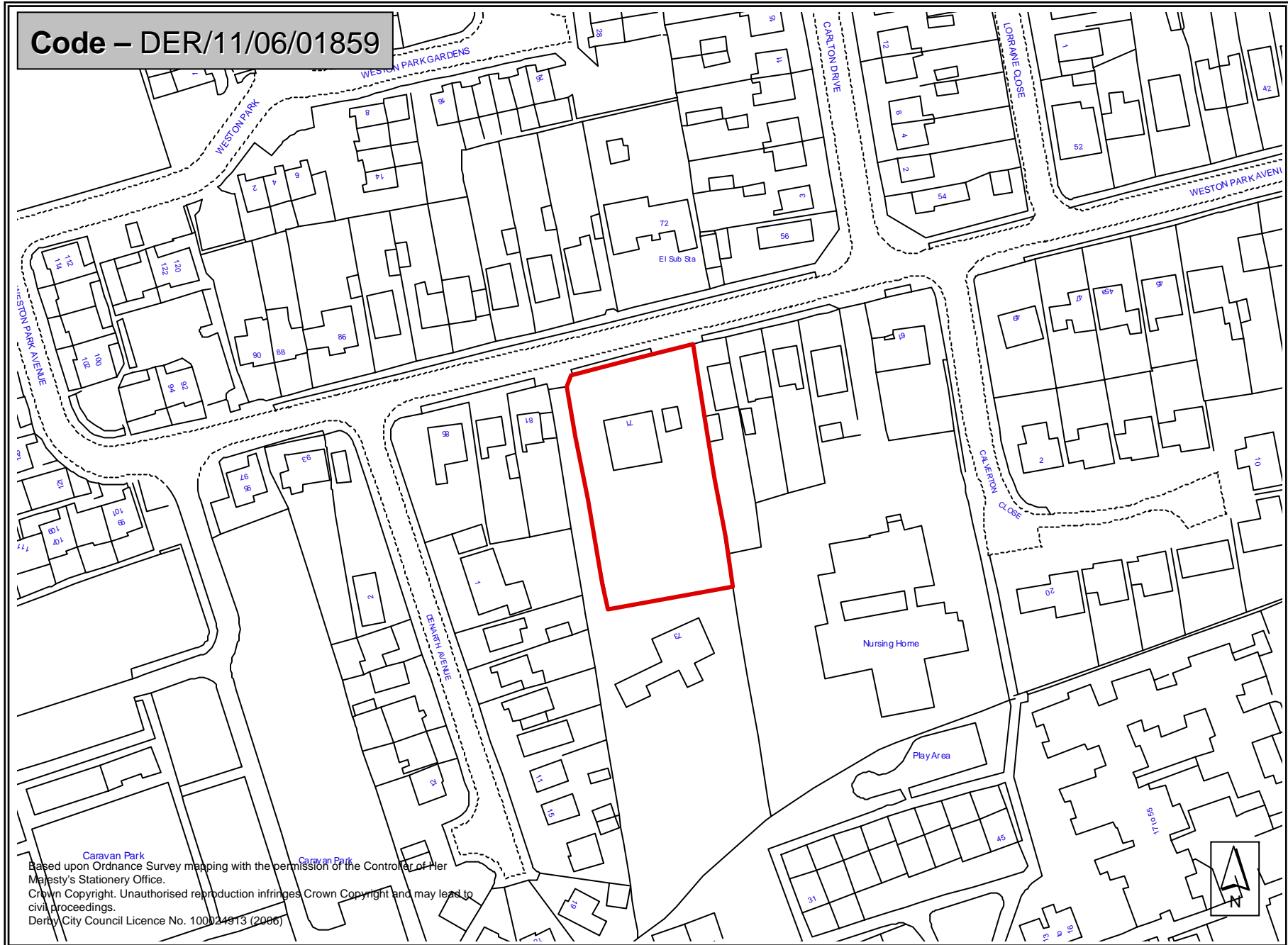
1. Standard reason E14....policies H13/E23
2. Standard reason E14 ...policies H13/E23/E17
3. Standard reason E14....policies H13/E23/E17
4. Standard reason E29....policy E9
5. Standard reason E14....policies H13/E23
6. Standard reason E14....policy H13
7. Standard reason E21

8. Dwellings that are south facing or have south facing roofs, having solar panels and/or wind turbines, and include water conservation measures will help to reduce energy consumption reducing pollution and waste, and in accordance with Policy E10 of the adopted City of Derby Local Plan Review 2006.

9. Standard reason E07 ... policy H13

11.5 S106 requirements where appropriate: None

Code – DER/11/06/01859



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B1 APPLICATIONS (cont'd)

6 Code No: DER/11/06/01816

Type: Full

1. **Address:** 30 Albany Road
2. **Proposal:** Extension to dwelling house (garage, cloaks, bathroom, sitting room, three bedrooms, shower room, wc, en-suite and enlargement of dining room and kitchen) – Amendment to previously approved application DER/03/06/00510.
3. **Description:** Members may recall this application being reported to the meeting of the 14 December 2006 where members resolved to defer the application in order that a site visit may be undertaken by the Committee members. An application for similar proposals was reported to the Committee meeting on 5 July 2006. The application relates to a detached dwelling located on the northern side of Albany Road.

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

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

4. Relevant Planning History:

DER/03/06/00510 - Extension to dwelling house (garage, cloaks, bathroom, sitting room, three bedrooms, shower room, wc, en-suite & enlargement of sitting room), granted 11 July 2006.

B1 APPLICATIONS (cont'd)

6 Code No: DER/11/06/01816

DER/12/05/02027 - Extension to dwelling house (garage, bathroom, cloaks, two bedrooms, en-suite and shower room and enlargement of sitting room) refused 14 February 2006. Reasons for refusal were:

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

5. Implications of Proposal:

5.1 Economic: None.

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

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

5.4 Disabled People's Access: Not applicable

5.5 Other Environmental: None.

6. Publicity:

Neighbour Notification letter	12	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

B1 **APPLICATIONS** (cont'd)

6 **Code No:** DER/11/06/01816

7. **Representations:** Nine letters of objection have been received in response to this application. Copies of these letters of objection are available in the Members' Rooms. The objections raised the following concerns:

- the size overpowering adjacent properties
- massing implications
- reducing the gap between dwellings
- to compound a bad decision would be unacceptable
- imposing frontage not in keeping with neighbouring properties
- loss of light and overshadowing
- poor design

8. **Consultations:** None.

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

H16 - Extensions to dwellings

E23 - Design

T4 - Access, parking and servicing

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

10. **Officer Opinion:** The previous application submitted on this site generated a large amount of local opposition with concerns being expressed that the resulting dwelling would compromise the character of Albany Road and that the development offered detrimental implications for the amenities enjoyed by neighbouring occupiers.

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

Issues surrounding the impact of the development on the amenities of neighbours are not as clear. Following the recent grant of planning permission it became apparent that the approved plans contained errors. To provide Members with clarity, detailed measurements have

B1 APPLICATIONS (cont'd)

6 Code No: DER/11/06/01816

been taken on site in order that the relationship between the two storey extensions and the windows of neighbouring property can be established. We have also found that the ordnance survey plans that we regularly use and were submitted with the application were slightly inaccurate. When the previous application was reported to the Committee it was indicated on the submitted plans that the two storey extensions did not encroach into a 45 degree line taken from the windows in the rear elevations of 28 and 32 Albany Road. Following the detailed inspection of the site with the knowledge of the inaccuracy of the plans, it is now apparent that there is some encroachment of the 45 degree line. In respect of 28 Albany Road this amounts to an encroachment of less than 0.1m and it is considered that it would be difficult to argue that this offers significant massing problems. No 28 does have a single storey outbuilding which sits close up to the common boundary and would break up views of the flank wall of the side elevation of the extension from the perspective of this neighbouring property. The position of no. 28, to the east of the application site also means that no overshadowing and loss of light would result from this flank wall. In respect of 32 Albany Road the encroachment is some 0.1m in relation to the two storey side extension and an encroachment of some 0.3m in relation to the two storey rear extension. These levels are obviously more severe but I do consider it would be difficult to demonstrate that these levels of encroachment would offer significant harm especially as the 0.3m encroachment of the two storey rear extension occurs some 3.9m from the common boundary. Taking these factors into consideration I do not consider the level of encroachment into the 45 degree line offers clear justification for a refusal of planning permission in this case. The 45 degree line gives guidance as to whether planning permission should be granted or refused but there maybe other material factors to take into account. Just because this line is breached does not automatically lead to a refusal of permissions. I feel that a refusal of Planning Permission would be unreasonable in this case. The fact that planning permission has previously been granted for two storey extensions in these locations already does mean that a refusal now, would be difficult to defend at appeal.

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

B1 APPLICATIONS (cont'd)

6 Code No: DER/11/06/01816

occupiers of the neighbouring property would be so significant as to offer grounds for refusal of this application.

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

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

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

11.3 Conditions

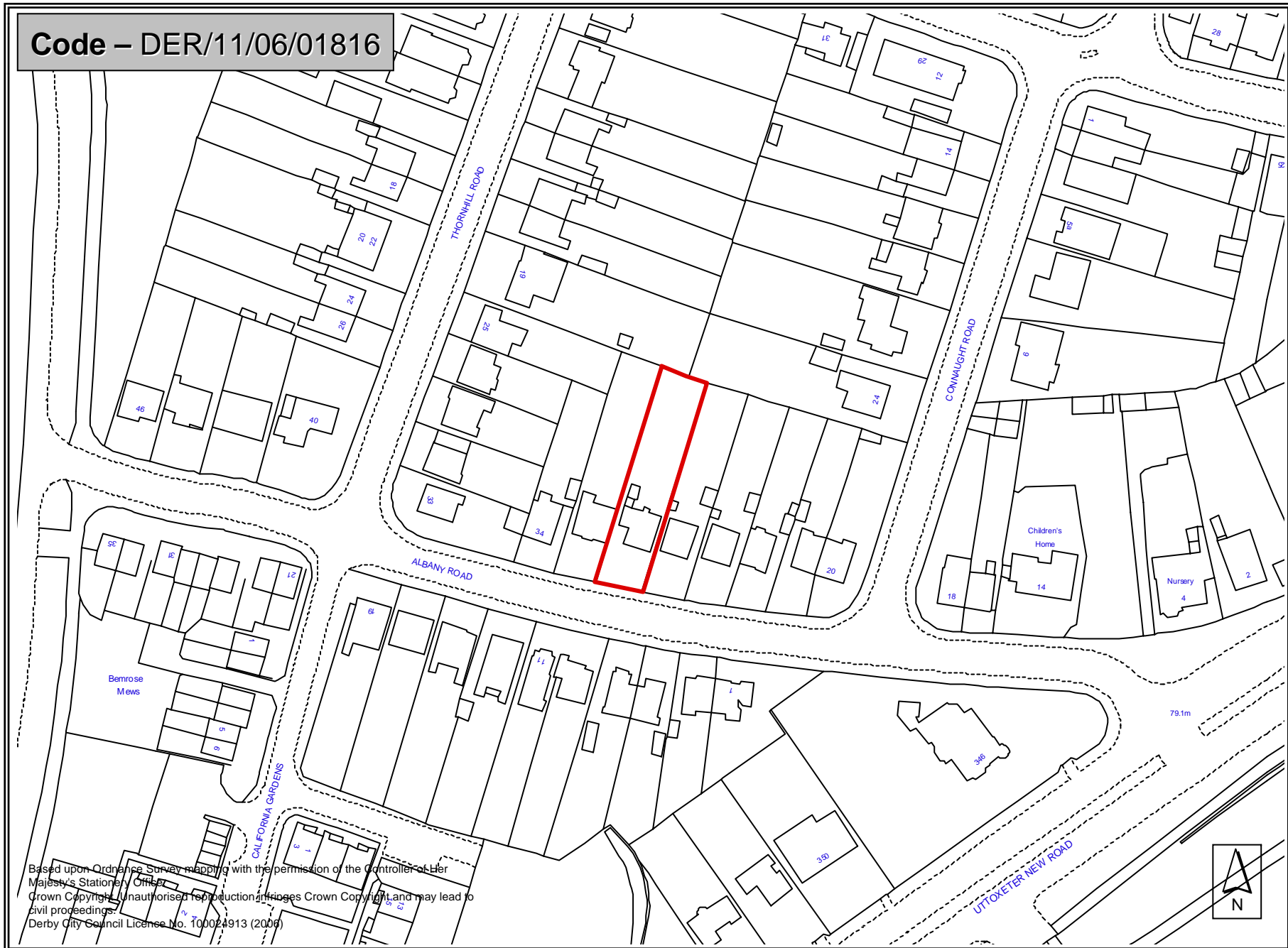
1. Standard condition 27 (external materials)
2. Standard condition 13 (private use of garage)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no windows other than those detailed on the approved plans shall be inserted into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

11.4 Reasons

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

11.5 S106 requirements where appropriate: None.

Code – DER/11/06/01816



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B1 APPLICATIONS

7 **Code No:** DER/10/06/01628

Type: Full

1. **Address:** 16 Wade Avenue, Littleover
2. **Proposal:** Conversion of dwelling house into two flats
3. **Description:** Wade Avenue is accessed via Wade Street and Harrington Road, both of which extend northwards from Burton Road and Littleover District Centre. No. 16 Wade Avenue is a semi detached dwelling which sits on the eastern side of the street. Wade Avenue is lined with detached, semi detached and terraced property. A number of the properties on the street, including the application property, have no off street car parking available.

Planning permission is sought for the conversion of the dwelling into two separate flats. Internal alterations have already been undertaken and this application does not propose any external alteration to the building.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** As no external alteration to the dwelling is proposed, I do not consider there are any design implications to consider. There are, in my opinion, no community safety implications with this proposal.
 - 5.3 **Highways:** It is considered that the proposed conversion would create no significant increase in traffic generation. There are no objections to this application on highway safety grounds.
 - 5.4 **Disabled People's Access:** Not applicable.
 - 5.5 **Other Environmental:** None.
6. **Publicity:**

Neighbour Notification letter	17	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

B1 APPLICATIONS (cont'd)

7 Code No: DER/10/06/01628

7. **Representations:** Five letters of objection have been received in response to this application but one has subsequently been withdrawn. The concerns raised by the objectors relate to:

- the proposal increasing on-street parking in an area that is already congested.
- loss of privacy and light
- increased levels of noise at the property impacting upon the amenities enjoyed by neighbouring residents
- the number of flats already being built in the surrounding area.

8. **Consultations:** None.

9. **Summary of policies most relevant:** Adopted CDLP-Review

GD5 - Amenity

H13 - Residential Development – General criteria

T4 - Access, parking and servicing

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

10. **Officer Opinion:** This proposal would continue to offer a residential use within the application premises and I consider it offers an appropriate use for this site, in principal, given that it sits within a residential area. No external alteration to the building is proposed, therefore I am satisfied that the change of use should not offer any neighbouring occupiers any additional loss of privacy or light beyond that which they already enjoy.

Some of the objections to this application that have been raised by local residents relate to additional noise and activity at the premises, given the intensification of its existing residential use. Concerns are expressed that the application property is semi-detached and first floor living areas may be sited alongside bedrooms in the neighbouring property which may lead to noise nuisance. I have noted these concerns but do not consider that they would give clear grounds which to refuse this application. Siting two residential uses alongside each other would normally be considered acceptable from an amenity point of view. It is not anticipated that either should generally create a level of noise likely to cause significant harm to the amenities enjoyed by the neighbouring occupiers. It also needs to be considered that planning legislation could not control alterations to the internal layout of the

B1 APPLICATIONS (cont'd)

7 Code No: DER/10/06/01628

premises anyway should its occupiers continue to use it as a single dwelling with living areas at first floor level. I therefore do not feel there are valid reasons on which to refuse planning permission on noise grounds.

One of the main concerns raised by local residents in relation to this application is existing parking problems on Wade Avenue and the additional parking pressure that an intensification of use on this site could lead to. The application site offers no off street parking provision and this is the case for a number of the dwellings on Wade Avenue. Neighbouring residents have suggested that the street is used for parking by many visitors to the neighbourhood centre and the street is already congested. Colleagues in highways have advised that a consultation exercise is to be carried out with residents of Wade Avenue and its neighbouring streets to ascertain whether the introduction of a residents parking scheme would be support by the residents and this is to be undertaken in light of complaints regarding on street parking facilities in the area. Regardless of the outcome of such an exercise, colleagues in Highways have advised that it is considered that the proposed conversion of no. 16 into two flats would not create a significant increase in traffic generation. There are therefore no highway objections to this application on which a refusal of planning permission could be based.

For the reasons given above, I consider the proposed change of use to be acceptable in this location.

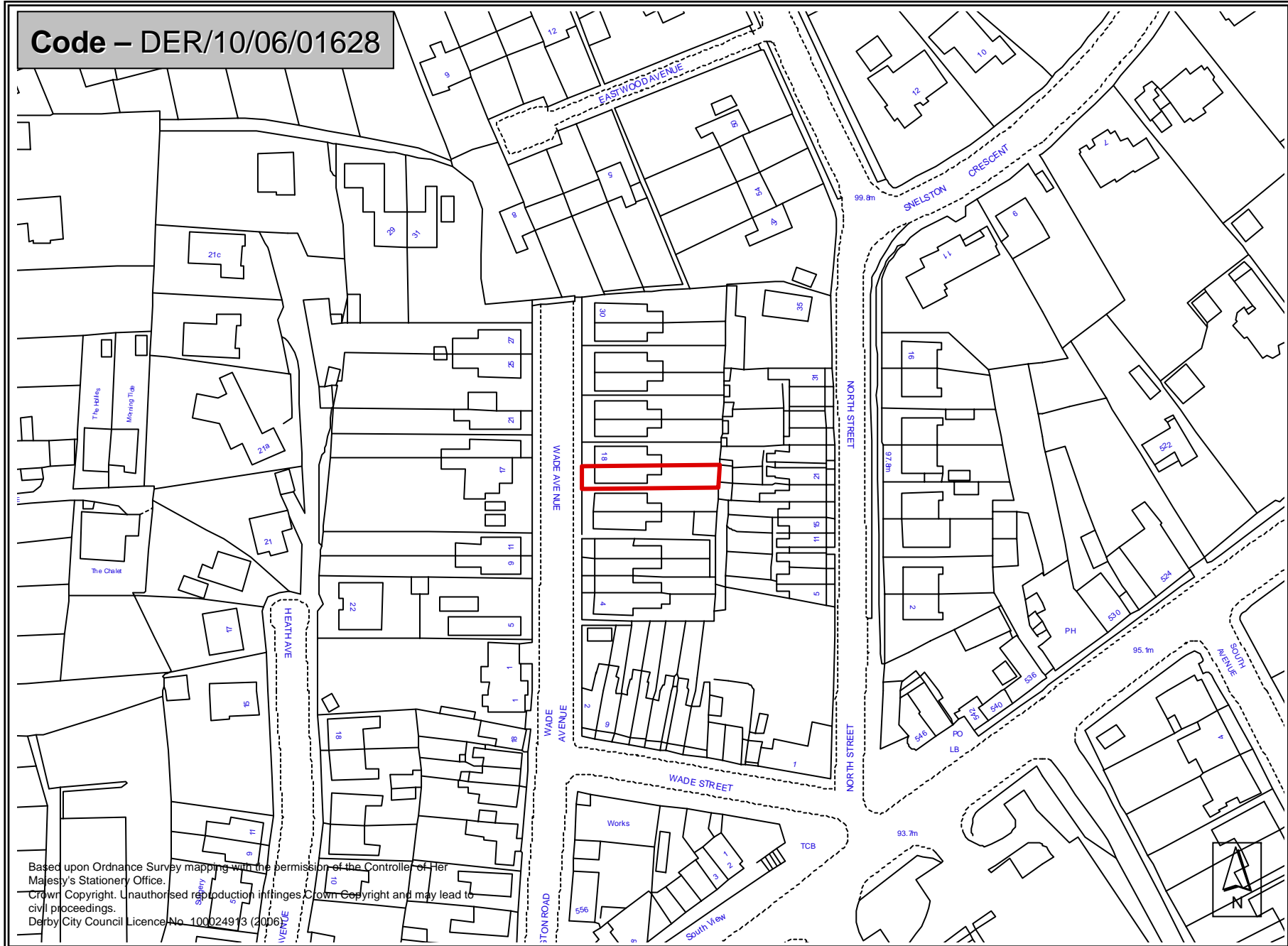
11. Recommended decision and summary of reasons:

11.1 To grant unconditional planning permission.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated at 9. above and is considered an acceptable use in this location.

11.3 S106 requirements where appropriate: None.

Code – DER/10/06/01628



B1 APPLICATIONS

8 Code No: DER/11/06/01687

Type: Full

1. **Address:** Land adjacent to 9 The Hollow, Mickleover
2. **Proposal:** Erection of a bungalow
3. **Description:** The application site lies to the rear of a period cottage, 9 The Hollow at the southern tip of the Mickleover Conservation Area. The cottage itself is included on the Council's own Local List of buildings of architectural or historic interest. The existing dwelling has a frontage onto The Hollow although it is a side elevation of the cottage that faces the road. The cottage has a pedestrian access to the Hollow but at present no vehicular access to that road. Planning permission was however granted for vehicular access onto The Hollow quite recently to help facilitate this current application. The existing vehicular access to the site lies between two dwellings that lie to the west of the site, numbers 8 and 10 Ingham Drive. This access was specifically designed to provide vehicular access to 9 The Hollow when the housing estate which includes 8 and 10 Ingham Drive, was built in the 1970's.

The site lies on rising land which rises from the low point of the Hollow to higher land at Ingham Drive, the houses on Ingham Drive being between 1 and 2 meters higher than the proposed site of the bungalow. The land is part of a large side garden of number 9 which is partially cultivated at its southern end but has a distinct wooded appearance at its northern end.

The proposed 2 bedroomed bungalow would be some 11.7 metres wide by 8.1 metres deep but with a slightly asymmetrical footprint. It would rise to an eaves level of 2.5 metres and a ridge height of about 5.1 metres. It would have a gable ended roof with a smaller front facing gable and small hipped roof projection to the kitchen at the rear. The materials are to be mottled red brickwork with Forticrete plain tiles for the roof covering. The design statement specifies the use of dental brickwork features to the fascias and roof verges, black guttering on rise and fall brackets and white sash style windows, to be sympathetic to the adjacent cottage.

It would be built alongside the existing cottage a distance of 2.4 metres away and set slightly back from the front elevation of the cottage. It would be about 18.5 metres from the nearest property on Ingham Drive and present a blank side elevation to that property. It would also be set at a much lower level than the houses on Ingham Drive.

4. **Relevant Planning History:** I have given the following historical account of the planning status of the vehicular access onto Ingham Drive to demonstrate the previous accepted usage of the access in

B1 APPLICATIONS (cont'd)

8 Code No: DER/11/06/01687

view of some of the reasons given for neighbours' objections to this proposal.

The curtilage of 9 The Hollow at one time included the land on which now stands a modern bungalow at 9A the Hollow. This bungalow was granted planning permission in September 1982 under planning reference DER/07/82/00817. The planning permission granted at that time showed that vehicular access for the new bungalow was to be taken off Ingham Drive sharing the access that had been created for 9 The Hollow when the estate to the west was built. The Committee report for that application contained the following:

"The access at 3 metres wide is marginally wider than an "access way" was provided for access to the existing cottage and although the current proposal will intensify its use Members may consider refusal of the application for this reason would be unreasonable".

When planning permission was granted a condition attached to that permission prohibited any vehicular access between the site and The Hollow, thus compelling the use of the vehicular access to Ingham Drive. At that time The Hollow was a busy classified road and the condition was imposed in the interests of pedestrian and traffic safety. Subsequently The Hollow was declassified and 9a created a vehicular access directly onto The Hollow under permitted development rights, applying for a variation of the restrictive condition, retrospectively. This thus restored the use of the Ingham Drive access back to 9 The Hollow alone.

Other Relevant History

DER/1177/1357 – Residential development, granted 26 January 1978

DER/1177/1415 – Erection of 70 dwelling houses 35 bungalows and 76 garages, granted 23 February 1978

DER/778/954 – Erection of 70 dwellings

DER/578/724 – Extension to dwelling, granted 17 July 1978

DER/978/1294 – Erection of dwelling house, refused 22 February 1979

DER/782/817 – Erection of bungalow, granted 3 September 1982

DER/896/855 – Erection of vehicular access, granted conditionally 3 September 1996

B1 **APPLICATIONS** (cont'd)

8 **Code No:** DER/11/06/01687

DER/106/212 – Erection of bungalow, withdrawn 3 April 2006

DER/506/868 – Formation of vehicular access, granted with conditions.

5. **Implications of Proposal:**

5.1 **Economic:** None

5.2 **Design and Community Safety:** The design of the bungalow is contemporary in nature and more closely related in style to the houses on Ingham Drive and the new bungalow 9a so does not particularly complement the original cottage; however it will have little impact on the built environment of the conservation area as it will be difficult to see it from within or just outside of the conservation area. The site does not appear to be within the historic curtilage of 9 The Hollow and therefore is not considered to have a detrimental impact on the setting of the building or the character of the spaces within the Conservation Area.

5.3 **Highways:** Planning permission has been granted for the creation of a vehicular access off the Hollow. It is considered that the turning facility proposed for the residential use is satisfactory as is the access onto Ingham Drive. Subject to No. 9 The Hollow being accessed off The Hollow via the newly approved access, there are no objections to this proposal.

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

5.5 **Other Environmental:** There are no trees on the site worthy of a tree preservation order.

6. **Publicity:**

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

7. **Representations:** Six letters of objection have been received to this proposal in summary the grounds for objection are:

- the amount of building traffic during the course of construction
- inadequate space for large construction vehicles along the existing access
- traffic danger to children

B1 APPLICATIONS (cont'd)

8 Code No: DER/11/06/01687

- the application plans are out of date and do not reflect the current situation
- the existing access has never been used by vehicles
- the narrow drive is not suitable as a vehicular access
- traffic exiting the vehicular access onto Ingham Drive would be a hazard
- potential increase in traffic using the access
- there may be a restrictive covenant prohibiting the formation of any vehicular access to 9 The Hollow from Ingham Drive
- request that all construction traffic be taken from the Hollow
- concerns over the affects of heavy construction traffic on the access-way and neighbouring properties
- access for neighbours to maintain their properties could be restricted if the access were in regular use
- further development of the conservation area is against the public interest
- the proposal is contrary to CDLPR Policy E21 which requires that development within a conservation area should preserve or enhance the special nature of the conservation area
- the proposal is contrary to the advice of PPG15 particularly section 4.19
- modern building materials would be out of keeping with the character of the conservation area
- one tree overhanging the vehicular access may be prejudiced by large vehicles trying to enter the site
- loss of daylight and sunlight to a neighbouring dwelling
- setting of a precedent for use of the access
- concerns that the bungalow may be sold rather than be occupied by the applicant as implied in the design and access statement.

8. Consultations:

CAAC – raise no objection.

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

- H13 - Residential development general criteria
- E23 - Design
- E18 - Conservation Areas
- E19 - Listed buildings and buildings of local importance
- T4 - Access parking and servicing
- E10 - Renewable energy
- E9 - Trees

B1 APPLICATIONS (cont'd)

8 Code No: DER/11/06/01687

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

- 10. Officer Opinion:** The site is part of the Mickleover Conservation Area that is almost totally concealed from public view by a dense screen of trees and other vegetation along the west side of the Hollow and by the row of dwellings along Ingham Drive and Welney Close. The granting of planning permission for the erection of a bungalow now known as 9a The Hollow, on part of the former garden land of 9 The Hollow, in September 1982 and the subsequent formation of the vehicular access to that bungalow does in my view set a precedent for development of the current application site that also forms part of the same residential curtilage.

As the site is very well screened from public areas and any new development is unlikely to be readily seen I take the view that the proposal would not be detrimental to the character of the Conservation Area. The lack of any objection from the Conservation Area Advisory Committee to this proposal would seem to support that view.

I accept that the design of the bungalow is of a contemporary idiom but it may be considered to relate as much to the new 1980's bungalow and the 1970s housing on Welney Close and Ingham Drive, as to the period cottage on whose land it would stand. The use of materials and some of the design details specified in the design and access statement would help to soften the differences between the old and new. The use of materials can be controlled by condition on any planning permission that may be granted.

One of the greatest concerns from objecting neighbours appears to be the use of the vehicular access between the houses at 8 and 10 Ingham Drive. There appears to be significant objection to its use both for construction traffic and for use once the bungalow is constructed.

The access was created as part of the original development of the housing estate. The applicant claims to have used this continuously since it was put into place as there is no other vehicular access to 9 The Hollow at present. He also confirms that when 9a The Hollow was built in 1984, it was entirely constructed using the access off Ingham Drive. I have no doubt that with careful project management, development can be undertaken without resulting in any damage to neighbouring properties. Furthermore it is intended that the vehicular access would only serve the proposed bungalow once that is constructed. It is intended that the original cottage, 9 The Hollow, would use a newly constructed access directly onto The Hollow, that

B1 APPLICATIONS (cont'd)

8 Code No: DER/11/06/01687

was granted planning permission by this Committee in September last year. This would then maintain the current situation of only one dwelling being served off this access. Although a number of objections cite safety reasons for objecting to the use of the access I can see no justification for such concerns. It may be considered to be appropriate to attach a condition to restrict the use of the access to serve only the one dwelling now applied for and requiring 9 The Hollow to take its vehicular access from the Hollow from the new access that was granted planning permission in September.

The siting of the proposed bungalow, its distance from neighbouring properties, its lower site level and its single storey design lead me to conclude that there would be no significant loss of amenity to neighbouring properties by reason of affect on daylight and sunlight, proximity, massing or enclosing impacts.

With regard to the suggestion that one tree might be affected if large vehicles were to need to access the site, the tree involved is relatively small and I suspect only one overhanging branch would have to be removed. I don't consider that this would be in any way detrimental to the visual amenity of the Conservation Area. The same works could easily be necessary to improve access to the site were no development to be proposed. The site has been inspected and it is not considered that this tree would be suitable for protection by a Tree Preservation Order.

With regard to energy conservation although it would be possible to incorporate external measures for energy conservation such as solar panels on the roof I consider that such an approach would result in a detrimental appearance to the bungalow being inappropriate in a conservation area.

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 represents redevelopment of a brownfield site and it is considered that this could be achieved without resulting in any significant detriment to the visual or residential amenity of the neighbouring residents or to the character and appearance of the Mickleover Conservation Area.

B1 APPLICATIONS (cont'd)

8 Code No: DER/11/06/01687

11.3 Conditions

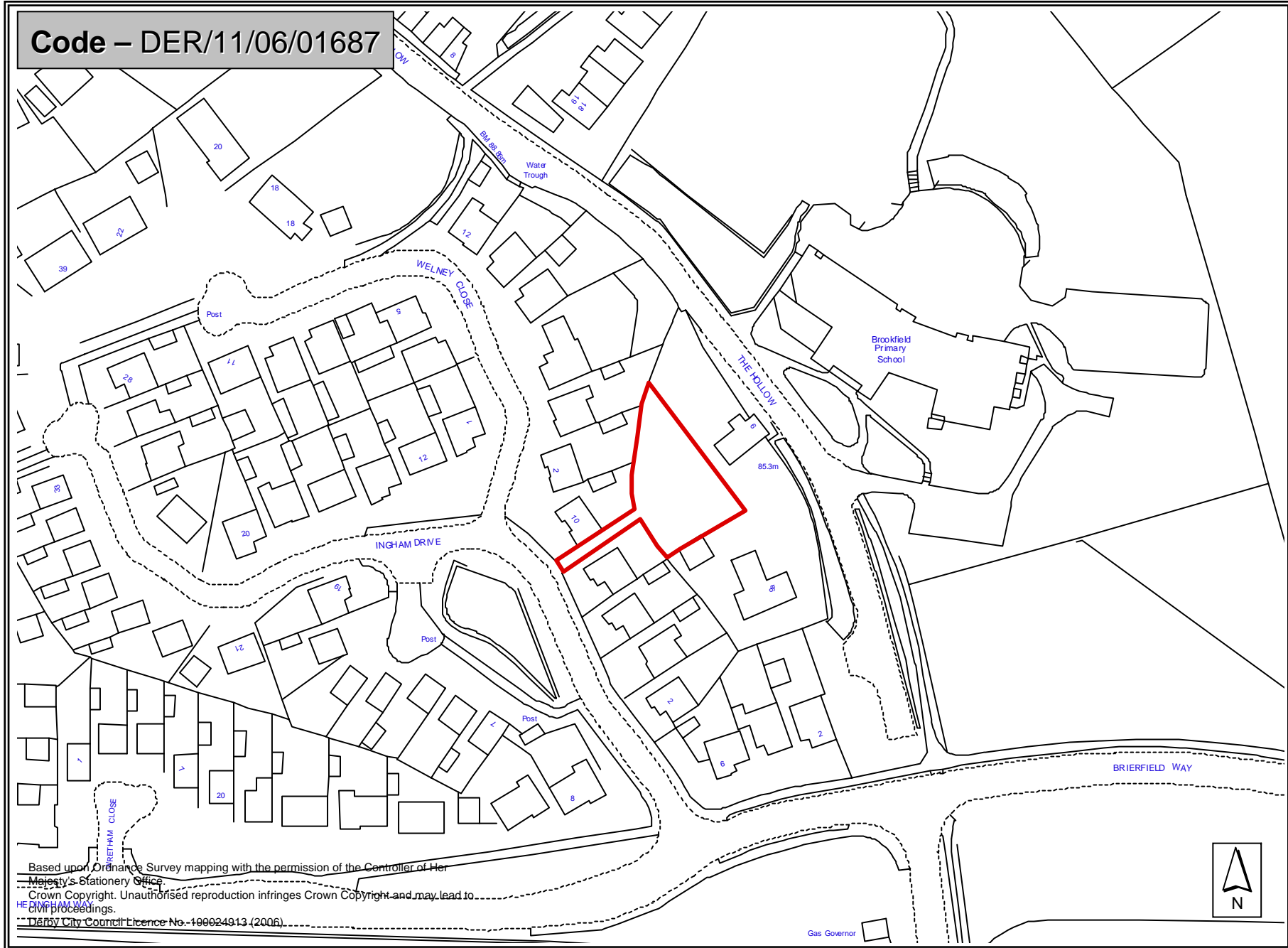
1. Standard condition 27 (external materials)(amended to read 'notwithstanding the details of any materials that may have been submitted as part of the application full details etc. Any details of materials that may be agreed shall be used in the implementation of the proposal).
2. Standard condition 19 (means of enclosure)
3. Standard condition 30 (hard surface)
4. Standard condition 38 (drainage)
5. Before the bungalow is taken into use, the new vehicular access to 9 The Hollow granted planning permission under planning reference DER/506/868 shall be constructed and be available for use by the occupiers of 9 The Hollow. At no time shall the existing access serve more than one dwelling.
6. Standard condition 24a (vegetation protection)

11.4 Reasons

1. Standard reason E14 ...policy E23
2. Standard reason E28 ...policy H13
3. Standard reason E18 ...policy H13
4. Standard reason E21 ...policy H13
5. To protect the residential amenity of neighbouring properties at 8 and 10 Ingham Drive from the additional noise and disturbance that may result if the vehicular access is subjected to the intensified use that would result if more than one dwelling was served form the existing access.
6. Standard reason E24policy E9

11.5 S106 requirements where appropriate: None.

Code – DER/11/06/01687



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B1 APPLICATIONS

9 Code No: DER/04/05/00684

Type: Full

1. **Address:** Land adjacent to 151 Warner Street
2. **Proposal:** Erection of two dwellings
3. **Description:** Full planning permission is sought to erect two dwelling houses on this site which is located on the south side of Warner Street. The site has a steep slope which rises from Warner Street and it adjoins the end of an elevated terrace of dwellings. The site is currently overgrown with ground level vegetation. The application has been amended from the original submission which sought permission for 3 dwellings. The application has been amended at my officer's request in view of the juxtaposition of the original proposal to a group of protected trees located on the south side of the site. The original submission was accompanied by a tree survey which also accompanied a separate application for an ancillary building on land to the south of the site. That application, under code no. DER/04/05/00685, has been determined under delegated powers.

The amended proposal has a frontage breadth of approximately 9m and it would have accommodation on 4 levels, with integral garages at ground level. Given the nature of the slope on-site the rear elevation of the proposal would have a 2 storey appearance. Based on the submitted drawings the incline on the site from the proposed front to rear elevation equates to approximately 2.5m. The proposed dwellings would have a frontage height of approximately 7.5m from ground to eaves level and the front elevation would include a gable fronted design with symmetrical detailing.

4. **Relevant Planning History:** DER/503/904 – residential development (outline), permission granted conditionally, 21 August 2003.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** I raise no objections to the scale of the proposal as it would be largely in keeping with the street context. I consider that the design of the front elevation is acceptable and I raise no objections to the proposed development in community safety terms.
 - 5.3 **Highways:** The proposed vehicle standing spaces in front of the integral garages will enable vehicles to turn. Warner Street is privately maintained at this location but without a fronting footway. A 2m wide fronting footway should link with the existing footway adjacent to the adjoining properties and this can be addressed by condition.

B1 **APPLICATIONS** (cont'd)

9 **Code No:** DER/04/05/00684

5.4 **Disabled People's Access:** Would be addressed by the Building Regulations.

5.5 **Other Environmental:** The application has been amended in view of the juxtaposition of the original proposal to a group of protected trees, covered by TPO No. 375, which flank the site. The breadth of the proposal has been reduced by approximately 3.6m and the of our Arboricultural Team raise no objections to the amended scheme.

6. **Publicity:**

Neighbour Notification letter	29	Site Notice	*
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** A total of four letters of objection have been submitted in response to the original submission. The neighbours were individually re-notified of the amended submission and a further objection, from one of the original objectors, has been received in response to the amended application. Copies of the letters are reproduced. The objectors principally raise concerns about the siting and detrimental impact of the development in relation to the street context and protected trees.

8. **Consultations:**

DCommS (Arboriculture) – no objections to the amended proposal.

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

GD5 - Amenity
GD8 - Infrastructure
H13 - Residential development – general criteria
E9 - Trees
E23 - Design
T4 - Access, parking and servicing
T6 - Provision for pedestrians

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 original submission generated local objections. These objections were primarily about the siting, street-scene and

B1 APPLICATIONS (cont'd)

9 Code No: DER/04/05/00684

residential amenity impact of the proposal. The amended application generated a second objection from one of the original objectors and concerns were raised about the impact of the proposal on the protected trees.

The main issues with this application are:

- the siting of the amended proposal and the impact on the adjacent group of protected trees;
- the siting, design and massing impact of the amended proposal on adjacent neighbours and the street context; and,
- the adequacy of the proposal in highways terms.

From the calculations of my officer based on the amended site layout plans, the siting of the amended proposal would not transgress the Council's 45° policy when measured from the neighbouring dwelling, no. 151 Warner Street. The 45° policy is not intended to apply to the erection of new dwellings but is a useful tool for gauging massing issues. The scale of the proposal would be generally commensurate with the street context on this side of Warner Street and I raise no over-riding objections to the proposal in street-scene terms. The proposed rear elevation of the dwellings would exceed the required 21m distance from the properties at the rear on Burton Road and the relationship to the properties on the opposite side of Warner Street is acceptable.

There are no over-riding objections to the proposal in highways terms subject to the provision of a fronting footway to serve the development. I am satisfied that this issue can be reasonably addressed by condition. The legalities of undergoing such work on a privately maintained road are a separate issue for the applicants to address.

My colleague in our Arboricultural Team has raised no objections to the siting of the amended proposal in relation to the protected trees. The facing side elevation in the proposed dwelling would not include any openings and I agree that the development could be accommodated here subject to safeguarding conditions. A similar juxtaposition of buildings to trees was accepted as part of the residential re-development of the former 484 Burton Road.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

B1 APPLICATIONS (cont'd)

9 Code No: DER/04/05/00684

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

11.3 Conditions

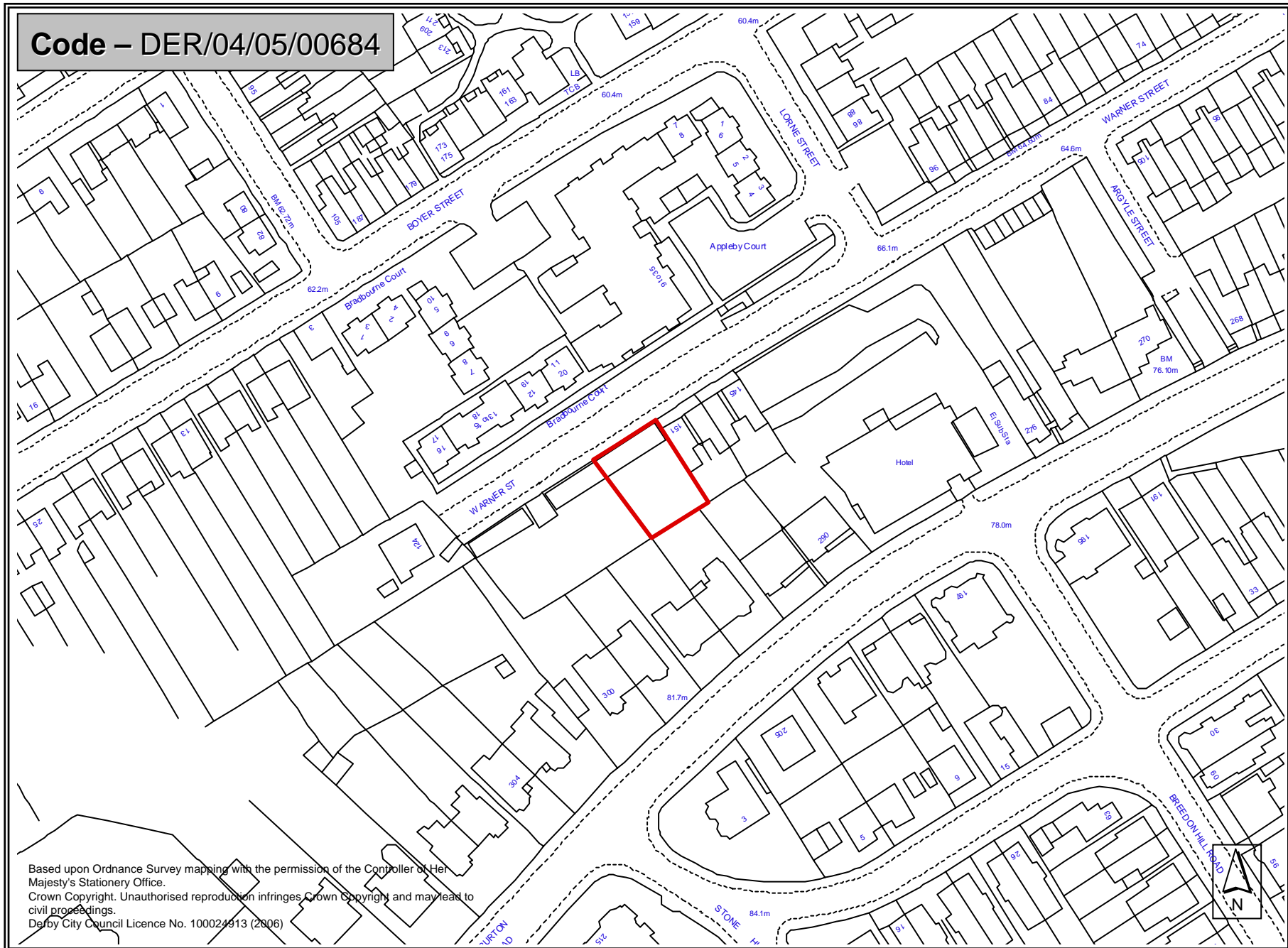
1. Standard condition 27 (external materials)
2. Standard condition 24A (vegetation protection)
3. The dwellings shall not be occupied until a fronting footway to serve the development has been completed in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority.
4. Standard condition 30 (surfaces to be drained)
5. Standard condition 13 (garages – private use only)

11.4 Reasons

1. Standard reason E14....policies H13 and E23
2. Standard reason E24....policy E9
3. In the interests of pedestrian and traffic safety and in accordance with policy T4 and T6 of the adopted CDLP Review
4. Standard reason E09....GD8
5. Standard reason E27....GD5

11.5 S106 requirements where appropriate: None.

Code – DER/04/05/00684



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B1 APPLICATIONS

10 Code No: DER/10/06/01709&
DER/10/06/01710

Type: Full and Listed
Building Consent

1. **Address:** 19-20 Friar Gate

2. **Proposals:**

DER/10/06/01709 – Extensions to bar (first floor terrace and staircase)

DER/10/06/01710 - Extensions to bar (first floor terrace and staircase with lightwell), demolition of roof at the rear and installation of shop front, and internal alterations to relocate toilets from the ground floor to the first floor - listed building consent application

3. **Description:** The premises at 19-20 Friar Gate occupies a pair of grade 2 listed buildings dating from the mid 19th and early 20th century respectively, that are included in the Statutory List of Buildings of Architectural or Historic interest for their group value, along with 16 to 23 (consecutive) Friar Gate. The pair of buildings have been combined internally at ground floor level to form a large open floor area which contains a bar and restaurant facility. The upper floors appear to have been connected to each other by the creation of a number of openings between the two original buildings, although the basic integrity of the individual buildings at first floor level and above appears to have been retained. The ground floor frontage has a modern shop front.

At ground floor level to the rear end of the buildings, and occupied by the toilets, kitchen, cellarage and storage, is a far more modern single storey concrete framed structure. This structure was built as a storage garage after planning permission was granted in March 1965, for the use of 19 and 20 Friar Gate as a car showroom formerly having been a butchers shop.

The surrounding area is mainly occupied by commercial uses with offices and high proportion of restaurants and bars. There are a small number of residential uses in flats above some of the nearby restaurants and construction has recently commenced on a new block of 15 apartments beyond the rear boundary which at their closest are about 10 metres from the proposed outdoor terrace. Its immediate neighbours either side are a bar and a restaurant. Immediately to the rear the premises abut a small two storey office building and the site of the newly finished Friar Gate Studios, creative industries building.

The current proposal is primarily for the demolition of the majority of the roof of the former storage garage and the construction of a first floor deck which would be used as an outdoor, terraced, drinking area. The terrace would be about 15 metres long by 11 metres wide and would be accessed from a new internal staircase rising from the position

B1 APPLICATIONS (cont'd)

**10 Code No: DER/10/06/01709&
 DER/10/06/01710**

currently occupied by the male and female toilets. A light-well would be erected over the stairs forming a conservatory type structure on the terrace. The terrace would have timber decking, surrounded on three sides by rendered enclosing walls, surmounted on the eastern side by a small glazed screen in hardwood frames 1.85 metre high overall above deck level. On the western side would be a bottle bar under a small zinc clad timber roof and on the northern side would be a rendered enclosing wall rising to 2 metres above deck level. A door in the northern wall would lead to a new external fire escape discharging into the car park at the rear of the building and the deck would have planter boxes and timber banquette seating.

The formation of the new internal staircase would require the repositioning of the male and female toilets. These are proposed to be relocated on the first floor within the original parts of the building. Amended drawings have been received following objections raised by CAAC now showing male toilets occupying a single room currently occupied by an office which still contains a period fireplace and other architectural details. Similarly the female toilets would occupy two rooms on the first floor with wash basins in an ante room and WCs in a further room off this, which also contains a period fire place. It is intended that both fire places be retained but concealed behind partition walls. A disabled toilet will remain at ground floor level.

The creation of a split level terrace at first floor level would increase the capacity of the venue by 80 people. Relocation of the male and female toilets will also create a greater trading area for the ground floor.

A steel fire escape staircase is proposed to lead from the rear of the terrace into a car park that lies to the rear of the building. This is a fairly conventional staircase that will not be readily seen from off site. It has yet to be established that the staircase is located on land within the applicant's control.

Although the premises lie in a flood risk area, it was not considered that the proposal would result in any significant intensification of use and therefore no flood risk assessment would be required in this case.

The Listed Building Consent proposal also included details for the alteration of the shop front. Planning permission has already been granted for the shop front alterations under delegated powers for amended plans that were received on 1 December 2006. These show minimal changes to the existing shop front and only amount to the removal of some artificial curved/arched window and door heads, the repair and repainting of existing window frames the maintenance and

B1 APPLICATIONS (cont'd)

10 Code No: DER/10/06/01709&
DER/10/06/01710

refurbishment of existing ornamental iron work and the repainting of the fascias in colours to be agreed.

Relevant Planning History: The site has a long planning history none of which is strictly relevant to this proposal.

5. Implications of Proposal:

5.1 Economic: The proposal should help to boost the popularity of the busy City Centre venue.

5.2 Design and Community Safety: It is good to see that the amended details regarding the provision of toilets now omit the proposed entrance between the two (original) buildings, and that the decorated first floor room at no. 20 is now to remain unchanged.

5.3 Highways: None.

5.4 Disabled People's Access: It is considered to be unreasonable to seek the installation of a lifting device to the first floor terrace, an ambulant stair will however be provided. The proportion of inaccessible floor space will increase if this proposal receives approval. It could be considered reasonable to seek the removal of the ground floor raised area to compensate for the terrace at first floor. Alternatively the ground floor raised area could be made accessible with the insertion of a ramped approach.

5.5 Other Environmental: The proposal would result in some detrimental affect on the amenity of neighbouring properties through noise.

6. Publicity:

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

Late notifications have been sent to the newly opened Friar Gate Studios on Ford Street and offices at Avon Court on George Street. The 21 day consultation period will not expire until 30 January which is a week after the date of committee.

7. Representations: None, any that are received will be reported orally at the meeting.

B1 APPLICATIONS (cont'd)

**10 Code No: DER/10/06/01709&
 DER/10/06/01710**

8. Consultations:

Environmental Health (Pollution Control) - there are potential noise implications arising from the proposed development, particularly for residents of the dwellings currently under construction to the rear of the premises. To some extent, the impact will be mitigated by the proposed perimeter wall to the roof terrace, provided it is of substantial construction and the door to the rear fire escape is kept closed at all times, other than emergencies. However, I would suggest that conditions be applied to any consent preventing loudspeakers being installed on the terrace and restricting its hours of use to 10 pm.

CAAC – continue to have reservations regarding the proposal and object. They are seeking full details of all the works to provide the male and female toilets, positions of pipe runs, holes, whether floor boards are to be lifted etc, and be satisfied with these proposals before the application is determined.

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

CC1 - City Centre Strategy
CC7 - Residential uses within the Central Area
S12 - Financial and Professional Services and Food and Drink Uses
GD5 - Amenity
E18 - Conservation Areas
E19 - Listed Buildings and Buildings of Local importance
E23 - Design

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

10. Officer Opinion: The proposal would in my view result in an improvement of the appearance of the rear of this building. At present the rear view is dominated by a moss encrusted asbestos roof. The removal of the majority of this and its replacement with rendered walls and glazed panels should improve the external appearance of the premises and provide a valuable outside facility which could become a considerable attraction for visitors to the City Centre.

The apartments on George Street currently in the early stages of construction, will at their closest be 10 metres from the closest part of the proposed outdoor terrace. There will inevitably be noise generated by the proposed outdoor drinking area which could go on late into the night and this would affect the amenity of nearby residents once the

B1 APPLICATIONS (cont'd)

**10 Code No: DER/10/06/01709&
 DER/10/06/01710**

apartments are occupied. Pollution Control division do raise a concern about potential noise nuisance but suggest that this will be some extent mitigated by the surrounding parapet walls that ideally should be constructed from a dense material. It is also suggested that the hours of usage of the terrace should be restricted to no later than 22:00 hours on any day, and that there are no loud speakers or music played on the terrace.

I consider these proposed restrictions to be reasonable; however I would point out that in this City Centre location, future residents should be aware of the close proximity of clubs, pubs, restaurants and bars, and that their living environment will be affected by such uses. With the Council's encouragement of City Centre Living to boost activity levels in the centre particularly in the evenings, these types of conflicts will arise more and more frequently. I believe that we have to take the view that the living environment will be affected but that subject to the compliance with safeguarding conditions it could be acceptable.

The nearest offices abut the rear of the existing building and will be close to the terrace, but a 2 metre wall will screen the terrace from the offices and prevent over-looking between the terrace and the offices and help to contain noise. Similar sorts of relationship can be found in a number of locations throughout the City Centre. I do consider that despite the loss of amenity that would impact on neighbouring residents and businesses these are not so great as to warrant refusal in this City Centre location.

The internal alterations by the creation of a light-well and new staircase should create an interesting new feature in the end of the building which only affects more modern rear extensions to the properties not the original and more historically interesting parts of the Listed Buildings. I have no objections to this element of the proposal.

The proposal to reposition the male and female toilets is to a great extent the result of having to construct the staircase to the terrace in the position where the toilets are currently housed. The intention to reposition these on the first floor at the front of the buildings does mean that they will be located directly within the older core of the buildings which are more sensitive to change.

Amended plans now submitted show that there will be little damage to the original fabric of the building with existing fireplaces retained but hidden behind partition walls. I am still awaiting further revised details to incorporate certain suggestions I believe could further improve the internal layout of the toilets relative to the existing building.

B1 APPLICATIONS (cont'd)

**10 Code No: DER/10/06/01709&
 DER/10/06/01710**

There is obvious concern from CAAC that the works required to install and plumb in the new toilets facilities could affect the original fabric of the listed buildings in a detrimental manner. Although the applicant's design statement says that all plumbing and drainage will run behind panelling and boxing out, connected into existing supplies and soil pipes, CAAC have recommended refusal of the proposal until full details of all of the works, such as position of holes and pipe runs and whether floor boards are to be lifted have been agreed. Rather than taking this approach I consider that these matters can be subject of a condition to any planning permission and listed building consent that may be granted.

Disabled access to the first floor terrace would be difficult to achieve for everyone and it not considered to be reasonable to require the installation of a lift.

11. Recommended decision and summary of reasons:

11.1 Subject to there being no adverse comment being received as a result of neighbour re-notification, by the 30 January 2007, or if adverse comments are received within the notification period, then power be delegated to the Assistant Director - Regeneration to determine the application in consultation with the Chair and Vice Chair.

11.2 Summary of reasons: The proposal has been considered against the policies of the City of Derby Local Plan as summarised at 9 above and it is considered that the proposal would result in satisfactory form of development which has a positive effect on the appearance of the Listed Buildings and on the Friar Gate Conservation Area. It is also considered that the use is acceptable within the City Centre location.

DER/10/06/01709 – Full planning application

11.3 To grant planning permission with conditions.

11.4 Condition

1. Standard condition 09A (amended plans, plans no. 02/51-113b received 1 December 2006, nos. 02/51-114a and 115a, received 29 November 2006 received and no. 02/51-111 received 22 December 2006.
2. The screen walls including glazed panels surrounding the outside terrace shall be at a height of 2 metres above deck level and

B1 APPLICATIONS (cont'd)

**10 Code No: DER/10/06/01709&
 DER/10/06/01710**

maintained at this level at all times.

3. Notwithstanding the details of any materials that may have been submitted with the application full details of all external materials shall be submitted to and agreed in writing by the Local Planning Authority before any works are commenced, any materials that may be agreed shall be used in the execution of the development.
4. Use of the first floor terrace shall be limited to 0830 to 2200 daily and there shall be no loud speaker system or other amplified music located on the approved terrace at any time.

11.5 Reasons

1. Standard reason E04
2. To protect the privacy of neighbouring occupiers and to protect nearby occupiers from noise and disturbance...policy GD5
3. To protect the visual amenity of the Listed Building and the streetscene within the Friar Gate Conservation Area, in accordance with policies E18 and E19 of the adopted City of Derby Local Plan Review.
4. To protect the amenities of neighbouring occupiers and adjoining residents from noise and disturbance ...policy GD5

DER/10/06/01710 – Listed building consent

11.5 To grant listed building consent with conditions

11.6 Conditions

1. Standard condition 09A (amended plans, plans no. 02/51-113b received 1 December 2006, nos. 02/51-114a and 115a, received 29 November 2006 received and no. 02/51-111 received 22 December 2006.
2. Prior to any works being commenced, full details shall be submitted of the works to install the new toilets at first floor level, including details of all pipe and sewer runs and ventilation and extraction ducting to ensure that minimal damage is done to the original fabric of the Listed Building. No pipes sewers or ventilation ducts or terminals shall appear on the front façade unless otherwise agreed

B1 APPLICATIONS (cont'd)

**10 Code No: DER/10/06/01709&
 DER/10/06/01710**

in writing with the Local Planning Authority.

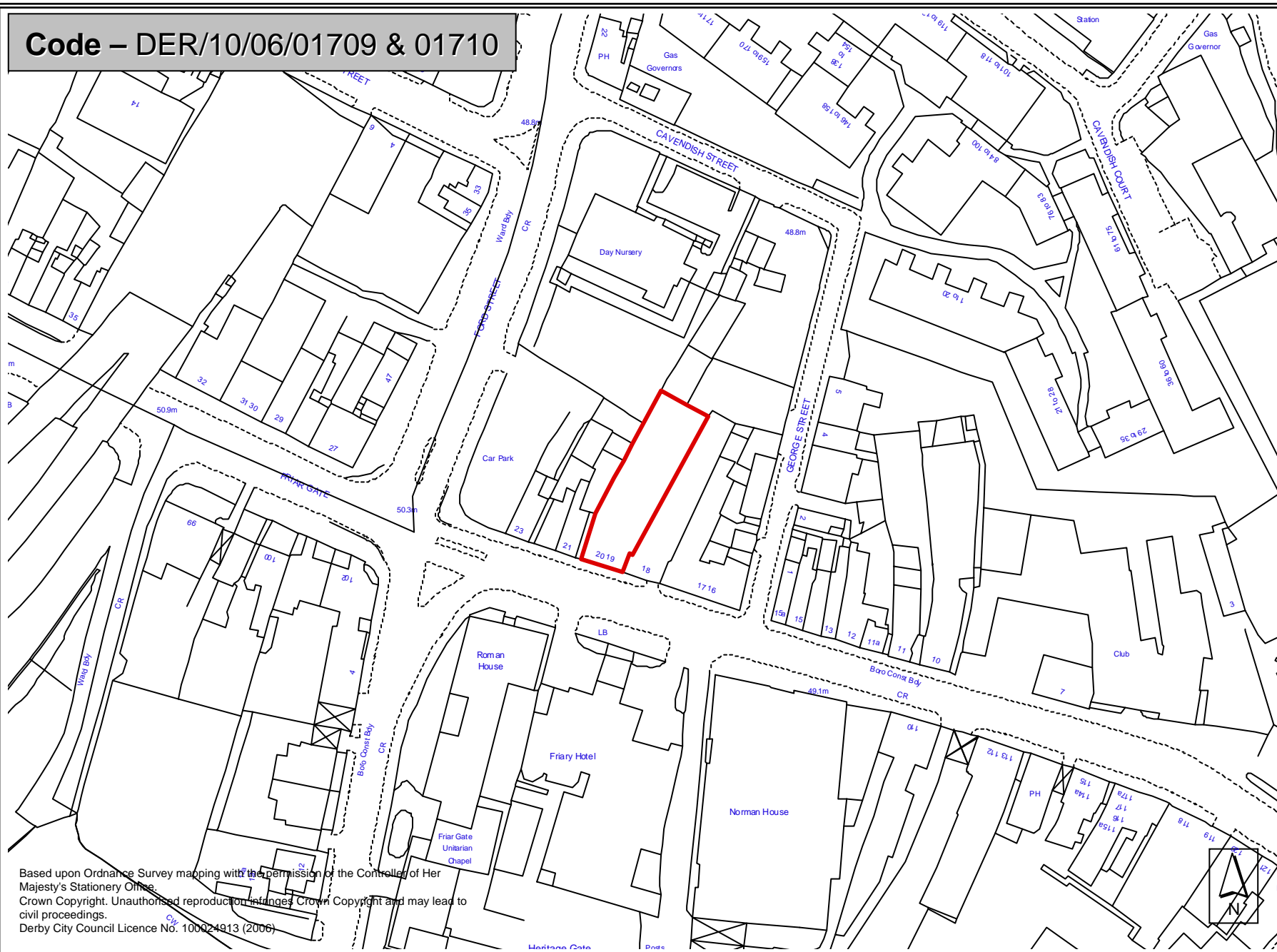
3. Before any works are commenced full details shall be submitted, to be agreed in writing by the Local Planning authority, of the intended treatments of all existing internal finishes in the rooms to be converted into toilets on the first floor. These details shall include, the proposed treatment of all windows, doors, skirting boards cornices picture rails and fire places. These items shall not be taken out. Any new additions should be carried out in such a way that is reversible so that they may be taken out without resulting in unacceptable damage to the original fabric of the building.
4. Before any work is commenced on the shop front, full details of the proposed colours which are to be used in the painting of the external woodwork shall be submitted to and approved in writing by the Local Planning Authority. Any colours that may be agreed shall be implemented in accordance with the approved scheme.

11.7 Reasons

1. Standard reason E04 (avoidance of doubt)
2. To protect and preserve the integrity of the structure and materials of the Listed Buildings...Policy E19
3. To protect and preserve the integrity of the structure and materials of the Listed Buildings...Policy E19
4. To protect the visual amenity of the Listed Building and the streetscene within the Friar Gate Conservation Area, in accordance with policies E18 and E19 of the adopted City of Derby Local Plan Review.

11.8 S106 requirements where appropriate: Not applicable.

Code – DER/10/06/01709 & 01710



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B1 APPLICATIONS (cont'd)

11 Code No: DER/12/06/01965

Type: Full

1. **Address:** 7-9 Vincent Street
2. **Proposal:** Change of use from offices and storage to bed and breakfast
3. **Description:** Full planning permission is sought to change the use from office and storage to a bed and breakfast use. The proposal is for 7 single bedrooms. In a detached Victorian property, located on Vincent Street and the corner of St Augustine Street, within a predominantly residential area, comprising of terraced housing. The property at present is vacant.

There are no external alterations proposed and there is car parking provision at the rear of the property.

4. **Relevant Planning History:**

DER/07/91/00945 – change of use to surgery and flat with rear car parking area, granted permission.

DER/10/99/01241 – change of use to office and storage, granted permission.

5. **Implications of Proposal:**

- 5.1 **Economic:** As the property is currently vacant, this proposal would bring it back into economic use.
- 5.2 **Design and Community Safety:** The proposal does not include any external changes.
- 5.3 **Highways:** No information has been provided on parking facilities proposed. Eight car parking spaces can be accommodated at the property however. Four of these will be captive, not allowing for turning manoeuvres. There is no mention of staff numbers or if staff will be residing at the bed and breakfast subject to further details regarding staff numbers. There are no highway objections to the proposal.
- 5.4 **Disabled People's Access:** None.
- 5.5 **Other Environmental:** None.

B1 **APPLICATIONS** (cont'd)

Code No: DER/12/06/01965

6. **Publicity:**

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

7. **Representations:** Two letters and a petition containing 30 signatures have been received in objection to the application. Two letters of support have also been submitted in response to the application.

In summary the objections relate to:

- increase in traffic in the area resulting in congestion
- increase in noise
- unpleasant cooking smells

The supporting letters note that it:

- provides a facility which the area doesn't already offer
- would enhance the area

... These letters are reproduced.

8. **Consultations:**

Environmental Services (Health) – no objections

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

The most relevant policies of the adopted CDLPR are:

- H13 - residential development – general criteria
- H14 - re-use of underused buildings
- GD5 - amenity
- T4 - access, parking and services

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

10. **Officer Opinion:**

This planning application in my opinion would not have an adverse effect on neighbouring properties with regard to noise and loss of privacy and would therefore accord with Policy GD5. There are no

B1 APPLICATIONS (cont'd)

Code No: DER/12/06/01965

objections from Environmental Services. The proposal would help to contribute to the economic vitality of the area, as the property has remained vacant for sometime.

The development may generate additional amounts of traffic in the area, and consultation with Highways Development Control has raised little concern about increased levels of congestion on St Augustine Street. Although additional traffic may be generated by the proposed bed and breakfast, previous use at this site, such as the doctor's surgery and the offices and storage use would have added to the numbers of vehicles on the roads, as well as requiring delivery and service vehicles to the property. Therefore I am satisfied that any intensification of traffic would not have an unduly detrimental effect on the amenity of the area as it has previously experienced the movement of business traffic. I also consider that any refusal of permission on highway or amenity grounds could be extremely difficult to defend in view of the planning history of the site.

Further information from the applicant regarding access and parking details has been sought and any further information will be reported orally.

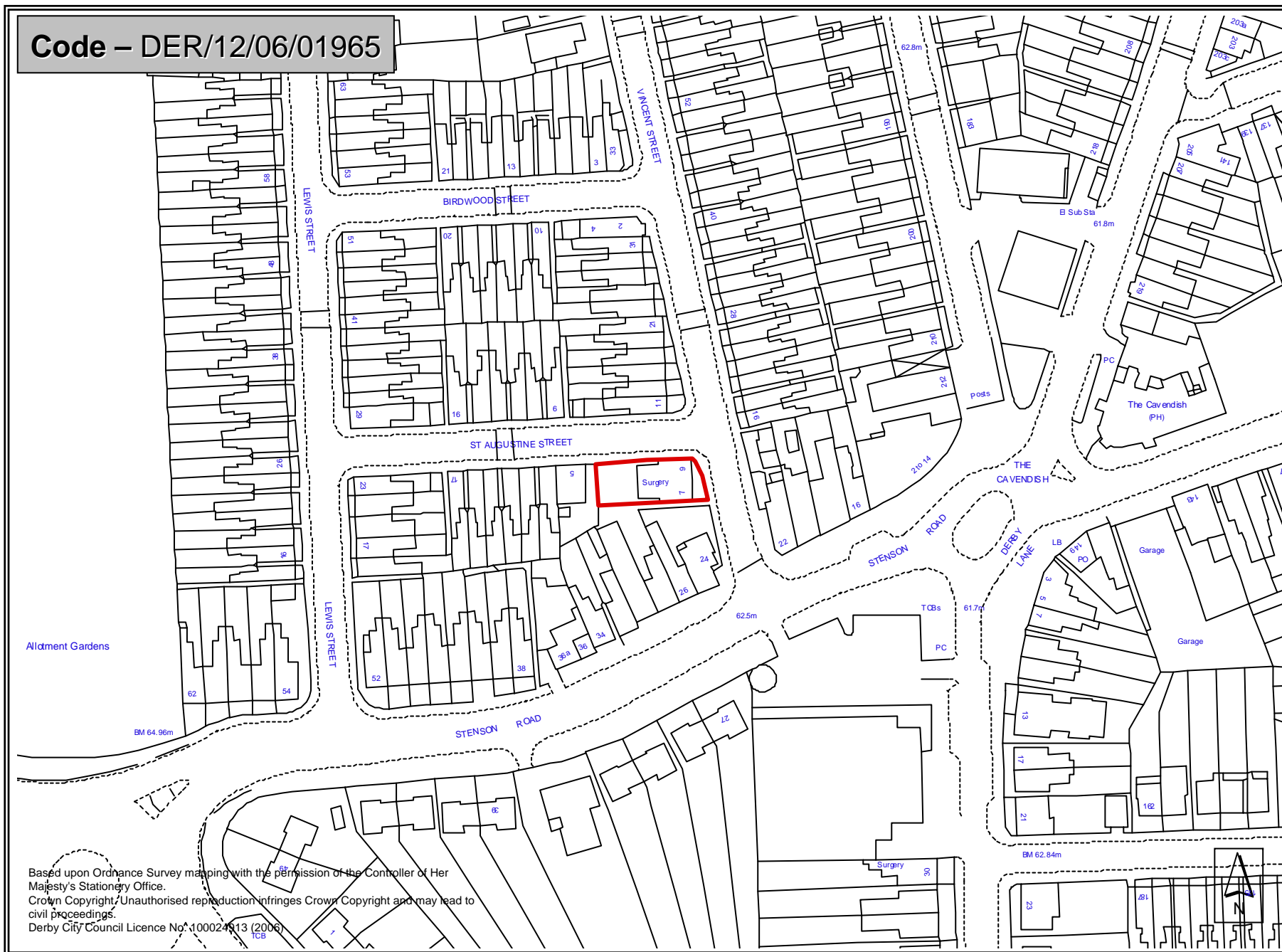
11. Recommended decision and summary of reasons:

11.1 To grant planning permission.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in 9 above. The proposal is considered acceptable as it would not have an adverse impact on the vitality and viability of the area, the amenity of residential properties and would not compromise the safe movement and free flow of traffic.

11.5 S106 requirements where appropriate: None.

Code – DER/12/06/01965



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D1 SPECIAL ITEMS

1 ENFORCEMENT REPORT

Unauthorised rear extension at 5 Becher Street, Normanton

This report has been brought to request authorisation from Members to commence enforcement action against an unauthorised rear extension that has been built at the above address.

The property at 5 Becher Street is a mid terrace dwelling situated within a residential area.

In May 2005 planning permission for an extension to the dwelling house (kitchen and enlargement of toilet and shower room, lobby and first floor bedroom) was granted under code, DER/03/05/00510. This development was subsequently fully implemented.

On 11 September 2006, a Planning Enforcement Officer visited the property and established that an additional single storey, flat roofed, rear extension had been built at the property without planning permission.

On 14 September 2006, at the request of a Ward Councillor, a further site visit was held with the Owner and the Councillor. A Senior Planning Officer, a Building Control Officer and an Enforcement Officer attended. During the meeting the Owner was advised that there were substantial planning issues with the unauthorised extension. The Owner was further advised that had prior planning permission been sought for the extension, it is likely that it would have been refused on the basis of being contrary to Local Plan policies.

On 19 September 2006 a letter was sent to the Owner requesting that the unauthorised extension be removed within the following three months.

On 15 December 2006, again at the request of the Ward Councillor, a further meeting was held at the property with the Owner and Ward Councillor. The unauthorised extension was still in place and the Owner was advised that authorisation to commence enforcement action would be sought from Members of this Committee.

On 22 December 2006, a letter from the Owner was received explaining why
... the unauthorised extension had been built. I reproduce a copy of that letter for Members information.

Attached to the report is a site plan of the property, at a scale of 1:200, with the approximate positions of the extension, approved under code DER/03/05/00510, coloured grey and the unauthorised single storey extension in question, coloured blue. The plan also shows the approximate locations of two photographs taken on 11 September 2006 and referred to below.

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The unauthorised extension is broadly L shaped and contains a ground floor toilet/ bathroom, which has been provided for the Owners disabled father. There is also an open “utility” area which contains a sofa and sink unit. In the narrower portion of the extension, part of the external wall belonging to the south west elevation of the original rear projection has been removed extending the middle “lounge” room of the dwelling towards the boundary with 7 Becher Street. This area is now covered by a mono pitched timber and corrugated plastic roof construction. In doing this the owner has also built over a public sewer inspection chamber.

Members will note from the site plan that the footprint of the unauthorised extension covers the majority of the rear garden, leaving approximately 14 square metres of undeveloped, outdoor amenity area at property. I consider that this is an over intensive development that has resulted in the significant loss of the property's outdoor amenity space. Such a loss is contrary to policy GD5 of the adopted City of Derby Local Plan Review 2006.

Photograph A is taken from the alleyway that runs at the rear of the property and shows both the extension approved under code, DER/03/05/00510 and the unauthorised extension from the side of 3 Becher Street. Members will note that the unauthorised extension makes up a continuous solid brick wall to a height of approximately 2.5 metres over a length of approximately 4.5 metres, beyond the extension approved under code, DER/03/05/00510. I consider that the additional development of the garden area creates a high degree of enclosure that has an unacceptable massing effect on the neighbouring property, contrary to policies GD5, H16 and E23 of the adopted City of Derby Local Plan Review 2006.

Photograph B is taken from the rear garden of 7 Becher Street. Members will note that the extension has been constructed directly off the boundary wall. The wall itself has been raised to a height of between 2.8 metres at the backdoor with 7 Becher Street down to a height of 2.5 metres. Additionally, five windows have been inserted into the wall that gives an outlook into the neighbouring property. I consider that the height of the unauthorised extension along this boundary also has an unacceptable massing affect on the neighbouring property at 7 Becher Street. I consider that the five windows inserted directly into the boundary are intrusive, giving rise to overlooking and a loss of privacy to neighbouring residents contrary to policies GD5 and H16 of the adopted City of Derby Local Plan Review 2006.

In addition to the outstanding planning matters, the extension was built without the benefit of Building Regulations approval and it is understood that substantial Building Control issues remain outstanding with the unauthorised extension.

In summary, I consider that by virtue of its siting and design, in this context, the unauthorised extension constitutes an over-intensive form of development which relates poorly to the character and pattern of the surrounding residential area. I consider that the extension therefore constitutes unacceptable

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development, contrary policies H16, E23 and GD5 of the adopted City of Derby Local Plan Review 2006.

Whilst acknowledging the personal circumstances of the owner and his family, there is nothing apparent that justifies the unauthorised extension.

In light of this I recommend that Enforcement Action be authorised seeking the complete removal of the unauthorised extension, including the re-instatement of the south west facing external wall of the rear projection that has been removed.

RECOMMENDATION:

To authorise the commencement of enforcement action, subject to the Corporate Director of Corporate and Adult Services being satisfied with the evidence.

D2 SPECIAL ITEMS

1 APPEALS DECISIONS

Appeals against planning refusal:

Code No	Proposal	Location	Decision
306/376	Extension to dwelling house (garden room, bedroom, bathroom and enlargement of room and bedroom)	54 Swanmore Road	Dismissed
Comments: The Inspector fully supported the City Council's view that the proposal would have a wholly unreasonable effect on the amenities of the residents of No. 52 Swanmore Road by virtue of the heightened gable being forward of the façade of the neighbouring dwelling. This is a welcome decision.			

RECOMMENDATION: To note the report.