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## Planning Control Committee 31 January 2008

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DER/11/07/02094	Former allotments, north of Ashbourne Road	B1 4	16-26	Erection of 28 apartments and 20 dwelling houses	<b>A. To authorise</b> the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 and <b>to authorise</b> the Director of Corporate Services to enter into such an agreement.  <b>B.</b> On the successful completion of the Section 106 Agreement, <b>to grant</b> planning permission subject to conditions.
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## **B1    APPLICATIONS**

**1    Code No:** DER/09/07/01735&  
DER/09/07/01736

**Type:** Full

1.    **Address:** Leylands Estate, Broadway
2.    **Proposal:** Demolition of Boiler House/Stores and erection of 8 flats.
3.    **Description:** The application site is on the Leylands estate, Broadway, alongside the northern boundary with the new housing development on Highfields. The Leylands estate is a Conservation Area. The site is currently used as a servicing and storage area for the whole estate. There are 3 existing buildings on the site, which comprise a glasshouse, boiler house and store and pre-fab storage building. A further storage building was demolished under a Conservation Area Consent granted in April 2007. The estate is a purpose built residential scheme, managed by the Retail Trust, which provides sheltered housing for elderly people. Most of the housing comprises bungalows, dating from the 1950's, of uniform design and layout. The existing maintenance area is surrounded by groups of bungalows, with a residents' parking area to the south.

The Trust is seeking to increase the number of elderly persons residential units on the estate and remove maintenance and storage buildings, which are surplus to requirements. Conservation Area Consent is sought to demolish the boiler house/ store, which is a large single storey, red brick building, with steeply pitched roofline and large chimney stack to the rear. It is believed to date from the 1950's and reflects the design and form of the original estate buildings. The other 2 buildings to be demolished do not require consent, because of their modest scale and volume.

On the site of the demolished buildings, it is proposed to erect a block of eight 1 and 2 bedroom apartments. It would be a 2 storey building, with a symmetrical, rectangular layout, 21.5 metres x 15 metres in overall area. The design and form of the building would take reference from the 1950's estate, in terms of the hipped roofline, parapet features, projecting bays and window arrangement. The main entrance to the building would be served off the residents' car park, with level access and ramps.

4.    **Relevant Planning History:**

DER/02/07/00275 – Demolition of store, Conservation Area Consent granted – April 2007

## **B1    APPLICATIONS    (cont'd)**

**1    Code No:**    DER/09/07/01735&  
                              DER/09/07/01736

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

**5.1    Economic:** None.

**5.2    Design and Community Safety:** The proposed apartment building would complement the character and architectural style of the post-war estate buildings and the overall Conservation Area, by sympathetic design, form and height and use of similar materials.

The residential accommodation would be sited towards the rear of the estate and there would be good surveillance provided by the existing bungalows. The apartments would provide a secure environment for residents with a single point of entry and I am satisfied that there would be no adverse community safety implications arising from the proposal.

**5.3    Highways:** The existing car parking facilities are adequate to serve the potential increase in parking generated by the development. It is requested that covered and secure cycle parking facilities are provided adjacent to the building. The development would have no detrimental highway implications

**5.4    Disabled People's Access:** The flats would be designed around the principle of extra care and as such they would deliver excellent levels of accessibility and use for disabled people.

**5.5    Other Environmental:** There are 2 large Horse Chestnut trees adjacent to the northern boundary and a group of smaller Hawthorn and conifer trees along the perimeter of the site. All the trees on the estate are covered by an area Tree Preservation Order. Some of the smaller trees are indicated for removal, which are of limited visual and arboricultural merit.

Additional planting and soft landscaping is proposed as part of the development to enhance the setting of the estate.

### **6.    Publicity:**

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

**7.    Representations:**    None received to date.

## **B1    APPLICATIONS    (cont'd)**

**1    Code No:**    DER/09/07/01735&  
                              DER/09/07/01736

### **8.    Consultations:**

CAAC – objects to demolition as the proposed replacement is not of sufficient architectural quality in relation to the existing buildings and, therefore, demolition is not justified. Objects to proposed development as it does not adequately reflect the style, detail and proportions or plan form of the surrounding buildings on the estate.

DCS (EnvHealth) – no objections, although the site may be affected by a high level of noise from traffic on the A38.

EnvS (Arboricultural) – no objections, although recommends clarification on which trees are to be retained. Trees should be protected as recommended in submitted Arboricultural report.

Natural England – the buildings have limited potential to support roosting bats. Any trees to be felled may provide bat roosts and an emergence survey should be undertaken to assess the potential. The site is unsuitable for other protected species.

DWT – no comment.

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

- GD1    - Social Inclusion
- GD2    - Protection of the environment
- GD4    - Design and the urban environment
- GD5    - Amenity
- H13    - Residential development on unallocated land
- E10    - Renewable energy
- E9      - Trees
- E17    - Landscaping schemes
- E18    - Conservation Areas
- E19    - Listed buildings and buildings of local importance
- E23    - Design
- T4     - Access and parking

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

### **10.   Officer Opinion:    The proposed demolition and re-development of a small area of the estate, adjacent to the northern boundary would form an additional 8 apartments for elderly people and is intended to provide further sheltered housing managed by the Trust. The proposed residential scheme would accord with the general criteria in**

## **B1    APPLICATIONS    (cont'd)**

### **1    Code No:    DER/09/07/01735& DER/09/07/01736**

Policy H13 and objectives of PPS 3 (Housing) and would constitute social housing, in support of the objectives in Policy GD1. The main issues to consider with this proposal are the potential impact of the proposed demolition and redevelopment on the character of the Conservation Area and the formation of a satisfactory living environment for residents.

The boiler house and store is of a similar design and form to the estate bungalows and appears to be near contemporary with the original 1950's buildings. The building is considered to make a positive contribution to the character and appearance of the Conservation Area, although it is accepted that due to modernisation of the heating system, the original use is redundant. A structural survey of the building has been undertaken, which advises that it requires expensive essential repairs to keep it in use. Whilst the building has individual merit and forms part of the character of the planned estate, it is under utilised and would not easily lend itself to a residential conversion, without substantial alterations to its appearance. The proposed apartment building would make a better use of the land and is considered to be of a high quality design, which would complement the character of the Conservation Area. On balance, the proposed demolition is considered to be justified in this case, provided that the site is re-developed in an appropriate and sympathetic manner.

The design and form of the proposed flat development reflects elements of the original 1950's estate buildings and is considered to be sympathetic to the special character of the whole estate. The building would have a similar roof form to the bungalows and the windows and French doors would also be in keeping with those on the existing post-war buildings. The overall layout and proportions of the development would be in keeping with the domestic scale of the bungalows and other sheltered accommodation on the estate. Overall the proposal would complement the distinctive post-war architecture of the Leylands and would preserve the character and appearance of the Conservation Area, subject to the use of suitable matching materials.

The development would form a satisfactory living environment for the residents and would not unduly undermine the privacy and living conditions of the existing bungalows, surrounding the site. The bungalows to the west of the site would directly face the side elevation of the building, at a distance of about 14 metres. There would be some potential overlooking of these bungalows from the side window openings, although they are secondary openings and could be

## **B1    APPLICATIONS    (cont'd)**

### **1    Code No:    DER/09/07/01735&                          DER/09/07/01736**

obscure glazed to protect privacy. Other nearby bungalows would not be unduly adversely affected by the siting and form of the proposed building. The residential amenities of existing residents on the estate would not therefore be unreasonably affected by the development.

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

**11.1    DER/09/07/01735 - To grant** consent with condition.

#### **11.2    Condition**

No demolition shall take place until a copy of a redevelopment contract has been submitted by the applicant or successors in title, to be agreed in writing by the Local Planning Authority.

#### **11.3    Reason**

To protect the character and appearance of the Leylands Conservation Area...policy E18.

**11.1    DER/09/07/01736 – To grant** permission with conditions.

**11.2    Summary of reasons:** The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in 9 above. The proposed redevelopment scheme would be an appropriate form of residential development and would preserve the appearance and character of the Leylands Conservation Area and maintain the residential amenities of nearby dwellings.

#### **11.3    Conditions**

1. Standard condition 27 (external materials)
2. Standard condition 20 (landscaping scheme)
3. Standard condition 22 (landscaping maintenance – Condition 2)
4. Standard condition 101 ( tree protection - revised condition)
5. Standard condition 38 (foul and surface water drainage)
  
6. Before development commences, precise details of the design of proposed window and doors, to scale of 1:10 and 1:20, to include cross sections of the joinery, materials and depths of reveal are submitted and approved in writing by the Local Planning Authority and they shall be implemented in accordance with the approved details.

## **B1    APPLICATIONS    (cont'd)**

**1    Code No:**    DER/09/07/01735&  
                              DER/09/07/01736

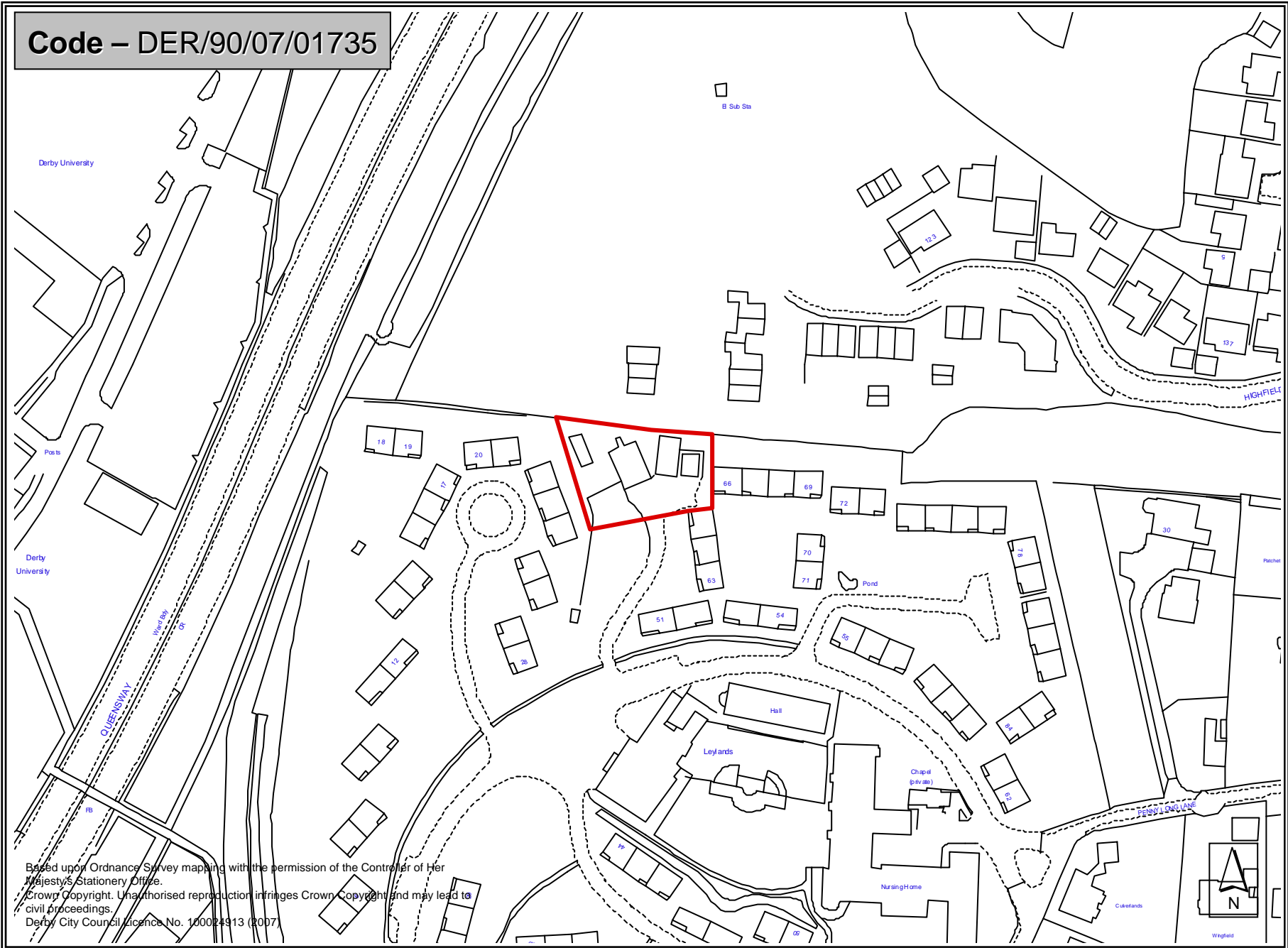
7. All glazing to the west elevation of the apartments, directly facing the bungalows at Nos.22 to 24, shall be of obscured glass and retained as such, at all times.
8. The development shall not be taken into use until secure cycle parking provision on the site for residents and visitors have been submitted to and agreed in writing by the Local Planning Authority and until such provision has been implemented.
9. Standard condition 104 (energy consumption)

### **11.4    Reasons**

1. Standard reason E14...Policy E18 & E23
2. Standard reason E09...Policy E23
3. Standard reason E09...Policy E23
4. Standard reason E24...Policy E9
5. Standard reason E21
6. To ensure satisfactory external appearance of the development and to preserve the character of the Conservation Area...Policy E23 & E18
7. Standard reason E07...Policy GD5 & H13
8. Standard reason E35...Policy T4
9. Standard reason E51...Policy E10

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

**Code – DER/90/07/01735**





**B1    APPLICATIONS    (cont'd)**

**2    Code No:**    DER/11/07/02055

**Type:** Full

1.    **Address:**    7 Coriander Gardens, Littleover
2.    **Proposal:**    Change of use from one dwelling house to 2 flats
3.    **Description:** The application premises is a detached dwelling house standing towards the end of a short cul-de-sac. To the rear the house backs onto agricultural land. A similar dwelling adjoins the eastern boundary of the site and three other dwellings stand facing the side elevation served off a private access that runs alongside the application premises.

The house has three bedrooms and a bathroom on the first floor and a living room, dining room kitchen and entrance hall on the ground floor. There is a brick built garage in the rear garden and a access driveway on one side.

It is proposed to change the use from one dwelling house to two flats by internal alteration to the building. This would give a one bedroomed flat with living room, shower room and kitchen on each floor both accessed by the existing front door.

It is intended that the flats be occupied by two people with learning disabilities who will be supported by support workers when necessary.

4.    **Relevant Planning History:**    None.
5.    **Implications of Proposal:**    None.
  - 5.1    **Economic:**    None.
  - 5.2    **Design and Community Safety:**    None.
  - 5.3    **Highways:**    It is considered that the site has adequate off-street parking and that the proposal would have no detrimental highway implications. There are no highway objections to this proposal
  - 5.4    **Disabled People's Access:**    Not applicable.
  - 5.5    **Other Environmental:**    None.

**B1 APPLICATIONS (cont'd)**

**2 Code No:** DER/11/07/02055

**6. Publicity:**

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

**7. Representations:** 4 Letters of objection have been received in relation to this proposal. Copies of the letters are reproduced. The grounds for objection are summarised as follows.

- The proposal to make two flats from one dwelling would increase the amount of traffic which would increase pressure on parking provision
- Increased traffic would affect the safety of young children
- Flats are inappropriate in the area
- Increased overlooking of neighbouring residential properties if the first floor becomes living rooms
- Intensification of use of the drainage system which has a history of blockages
- The property is too small to be occupied by two separate occupiers
- Increased noise and disturbance
- An anticipated higher than normal turnover in occupants being inconducive to good neighbourhoods
- The area is already adequately served by affordable housing.

**8. Consultations:** None.

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

GD5 - Amenity  
H13 - Residential development - General Criteria  
T4 - Access, Car Parking, Servicing

*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 is quite simply for conversion of a two storey detached dwelling house into two flats. The works involved in the conversion will have no affect on the external appearance of the building which outwardly will remain unchanged.

The use will remain in keeping with the predominantly residential uses on the surrounding area which is a small modern housing estate.

**B1    APPLICATIONS    (cont'd)**

**2       Code No:    DER/11/07/02055**

The intention is for the flats to be occupied by two people with learning disabilities, as supported living accommodation, where the residents will be encouraged to develop life skills such as cooking, budgeting shopping etc. The support staff will visit as and when required and will not be resident on the premises.

The principal policy issues are whether the proposal would result in any significant loss of amenity to neighbouring occupiers, would the proposal be capable of providing a high quality living environment and would the proposal have any detrimental affect on traffic generation, or cause highway problems.

Although the proposal would create one additional unit of accommodation this is unlikely to have any significant impact on neighbouring amenity. This is particularly so in this case where the flats would not be occupied by families but by individuals, so the intensity of occupation is likely to be less than would be the case were the house to be in family occupation.

The anticipated level of traffic generation for two one bedroomed flats is not expected to result in any significant highway problems. Again with the anticipated occupiers, they are unlikely to be car owners so the only traffic is likely to be when support staff visit. The site has adequate parking provision to accommodate such visits and provide for the parking demands of two flats should the need arise.

The applicant advises that the flats will become the permanent long term residence for the proposed occupiers and that there is unlikely to be any significant turnover of occupiers that may be disruptive to the wider community.

I consider that the use would continue to be a simple residential use in a residential area, similar to the many other flat conversions of single dwellings that are approved throughout the City. I can see no grounds to withhold planning permission in this case.

**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 City of Derby Local Plan Review and all other material considerations as indicated at 9 above, and it is considered that the change of use and alterations can be implemented so as to provide a high quality living environment without unreasonably affecting

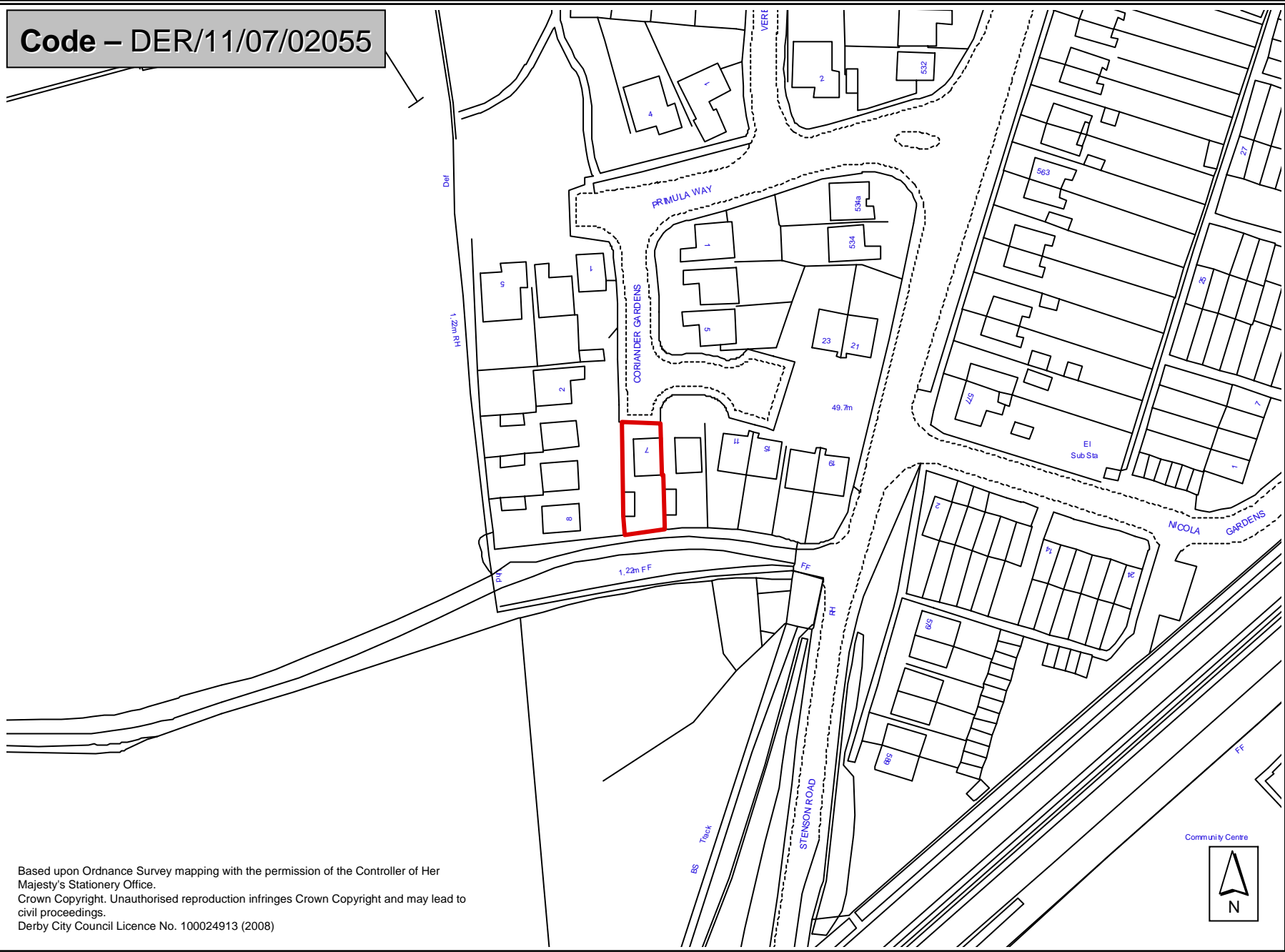
**B1    APPLICATIONS   (cont'd)**

**2       Code No:   DER/11/07/02055**

the residential amenity of neighbouring occupiers or causing any detriment to highway safety.

**11.3   S106 requirements where appropriate:**

**Code – DER/11/07/02055**



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## **B1    APPLICATIONS    (cont'd)**

**3    Code No:** DER/08/07/01538

**Type:** Full

1.    **Address:**    495 Burton Road, Littleover (Former Co-op store)
2.    **Proposal:**    Change of use from retail (use class A1) to restaurant (use class A3).
3.    **Description:**    Permission is sought for the change of use of this existing retail unit into a restaurant. The premises are located on the southern side of Burton Road and occupy a central position within the Littleover District Centre.

The unit has a large footprint, its most recent use having been a convenience store. It comprises a single storey unit that has had flat roofed extensions added to its rear in the past. Part of the building remains in use by the Co-op as a travel agency and this section of the building retains a shop window on its Burton Road frontage. The section of the building, subject of this application, accommodates a shop window also on the Burton Road frontage, which currently accommodates a roller shutter. This application is for change of use of the building only and no external alterations are proposed at this stage.

The building extends close up to its boundaries that are shared with access roads and car parking areas to the east and west and residential properties to the south. The rear gardens of bungalows fronting Park Lane abut the sites southern boundary, which is defined by a close-boarded fence.

4.    **Relevant Planning History:**    None relevant.
5.    **Implications of Proposal:**
  - 5.1    **Economic:**    The applicant has stated that six members of staff are proposed to be employed at the premises.
  - 5.2    **Design and Community Safety:**    This application is for change of use only and does not propose any external alterations to the building, which may be the subject of a separate application.

The Crime Prevention Design Advisors comments are provided in Section 8 of the report.

- 5.3    **Highways:**    It is considered that adequate parking is available within the district centre to cater for the potential parking demand for the proposed restaurant. There are no highway objections to this application.

**B1 APPLICATIONS (cont'd)**

**3 Code No:** DER/08/07/01538

**5.4 Disabled People's Access:** No external alterations to the building are to be considered as part of this application. Accessibility within the building will be controlled by Building Regulations guidance.

**5.5 Other Environmental:** None.

**6. Publicity:**

Neighbour Notification letter	20	Site Notice	Yes
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

**7. Representations:** 55 objections were received in response to the application along with a petition containing 460 signatures. 1 letter of comment and 1 letter of support were also received.

The nature of the objections raised, relate to:

- An increase in noise, and smells being detrimental to the district centre and the amenities of the occupiers of nearby residential property
- Late night disturbance resulting for local residents
- Too many hot food outlets in the district centre already
- More retail variety in the centre is needed and the loss of the retail function of the unit will compromise the vitality and viability of the centre
- The unit will be closed and therefore offer little contribution to the district centre during the day
- The use increasing existing problems with litter resulting in more rats in the area
- The development increasing existing drainage problems in the area
- The use having a negative impact upon the viability of other hot food uses in the local area

## **B1    APPLICATIONS    (cont'd)**

### **3        Code No:    DER/08/07/01538**

- The use encouraging anti social behaviour within the district centre late in the evening.

Any further representations will be reported at the meeting.

### **8.        Consultations:**

DCorpS (Health) – no objections are raised to the proposal on Environmental Health grounds. Details of the ventilation system to be installed, noise control measures and proposed internal arrangement should be sent to the Chief Environmental Health Officer before any works commence.

Crime Prevention Design Advisor – The area is well lit and has good levels of surveillance. The building is currently shuttered and adds nothing to the street scene and vitality of this location. The sooner it is brought back into use the better from the crime prevention aspect before it becomes subject to graffiti, damage and unwanted congregation.

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

GD5    - Amenity  
S3       - District and Neighbourhood Centres  
S12    - Financial and Professional Services and Food and Drink Uses  
T4       - Access, parking and servicing  
T10    - Access for Disabled People

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

- 10.       Officer Opinion:** The application site is located within a defined District Centre where Local Plan policy S3 allows for food and drink uses provided that they are compatible with the general scale, nature and function of the centre and would not detract from the centre's vitality or viability. Policy S12 allows for such uses again provided that it would not lead to a concentration of such uses likely to undermine vitality or viability. It is clear from the many objections raised in response to this application that this issue is a concern to local residents and a clear desire is expressed in the letters of objection to this application to seek an increase in retail choice within the centre. It is clear that many local residents also feel that there are enough hot food uses already available in the district centre.

The most recent survey of the district centre, undertaken by the City Council late in 2006 indicates that of the 49 units within the centre 57% are in A1 (retail) use, 10% are in A2 (financial and professional services)



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

### **3 Code No: DER/08/07/01538**

use, 15% are in uses A3-A5 (hot food) with 18% being in other uses. Should planning permission be granted in this case, those figures would alter to 55% A1 (retail), 17% A3-A5 (hot food) with the A2 (financial and professional services) staying at 10% and others remaining at 18%. There is no formal standard for the level of retail loss, which would be considered harmful, but it is my view that the proportion of non-retail uses would begin to reach a level that gives rise to some concern.

In making judgement on the likely impacts of this proposal on the vitality and viability of the centre there are also other material considerations to take into account. The applicant has provided information, which suggests that in the six months that the property has been marketed, there has been no interest in the unit from occupiers wishing to continue the existing retail use. This unit has a large footprint, serving most recently as a convenience store. It, therefore, has some limitations as to the future retailers it is likely to attract. As it has laid vacant for some six months I feel that weight is added to the need to seek a viable use for this site given that it is one of the larger, more prominent, uses within the centre and it would also be preferable to have it in a viable use as long term vacancy could have a negative effect on the centre as a whole.

On this basis, and given the comments of my colleague in Environmental Health, I am inclined to support the proposal. A degree of disturbance is likely whatever use the building is put to, and there will be some impact on residential amenity. However, given the use of acceptable modern fume extraction/ventilation equipment I have concluded that on the basis that this is a District Centre location a refusal of permission could not be sustained at appeal.

#### **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 is an appropriate use in this location which should not unduly affect the amenities of nearby residential properties and would not compromise highway safety.

#### **11.3 Condition**

Standard condition 47 (details of fume extraction/ventilation)

**B1    APPLICATIONS    (cont'd)**

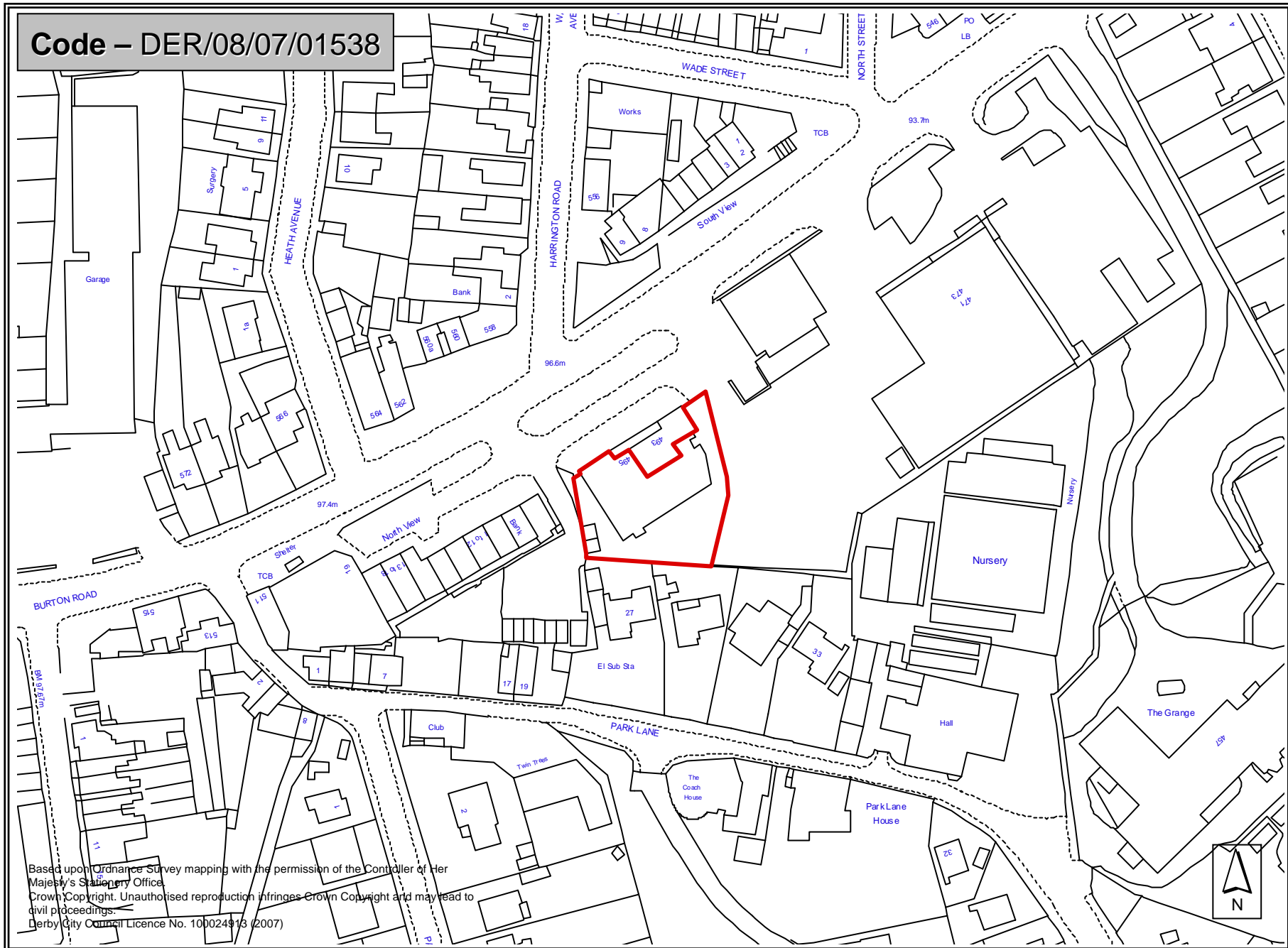
**3    Code No:    DER/08/07/01538**

**11.4    Reason**

Standard reason E37 and in the interests of environmental amenity...policies S12 and GD5

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

**Code – DER/08/07/01538**



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## **B1    APPLICATIONS    (cont'd)**

**4    Code No:** DER/11/07/02094

**Type:** Full

1.    **Address:**    Former allotments, north of Ashbourne Road
2.    **Proposal:**    Erection of 28 apartments and 20 dwelling houses
3.    **Description:**    The application site comprises a disused former allotment site located on the northern side of Ashbourne Road. The application site boundary also extends to include an irregular shaped section of land which currently forms part of the Royal School for the Deaf (RSD) which sits to the west of the site. Vehicular access to the RSD is off Ashbourne Road and this access is proposed to be altered in order to facilitate the development proposed on the application site.

To the east of the site, a 2m-boundary wall of terraced property, which front Pybus Street, bound the site. A single storey former industrial unit sits to the north, which is part of the University campus buildings accessed off the end of Pybus Street. A metal fence divides the application site and the parking areas located alongside this unit. A single detached dwelling abuts the site on its Ashbourne Road frontage. It is a two storey dwelling that sits approximately 3m back from its highway frontage.

Full planning permission is sought for comprehensive residential development across the site. A scheme comprising 28 apartments and 20 dwelling houses is offered. A combination of terraced dwellings and groups of apartments extending between two and three storeys in height are proposed. The development offers a built frontage to Ashbourne Road, extending around the corner and into the site, also offering a frontage to the new access road. Internally, the residential units have been designed around a central public space, which provides a focal point and setting for the development. Parking is proposed to be accommodated within private parking courts accessed through archways in the buildings.

4.    **Relevant Planning History:**    DER/06/07/01200 – Erection of 42 dwelling houses and access – refused on design grounds, little regard for community safety and crime prevention measures, access difficulties, loss of protected trees, that the normal section 106 contributions to mitigate the impact of the development to compensate for this loss had not been demonstrated.
5.    **Implications of Proposal:**
  - 5.1    **Economic:** None.
  - 5.2    **Design and Community Safety:** The proposed layout is well considered and achieves urban design objectives that it is felt will

## **B1    APPLICATIONS    (cont'd)**

### **4    Code No:    DER/11/07/02094**

create successful spaces. The rationale for the design approach adopted for this site is clearly supported in the design and access statement that was submitted with the application. It is considered that the design of the central public area will provide this scheme with a unique sense of place, which is welcomed.

The Crime Prevention Design Advisors comments are provided in Section 8 of the report.

**5.3    Highways:** No objections are raised to the form of access into the site off Ashbourne Road, which takes the line of the existing entrance to the RSD. An area of land to the front of the development is to be reserved for bus lane provision in the future. Car parking provision within the development is considered adequate and the internal layout of the development has been designed in accordance with Manual for Streets, giving priority to cyclists and pedestrians. Secure, integral cycle storage should be secured and details relating to the storage provisions for waste and recycling facilities agreed prior to the development being brought into use. Contributions sought through the Section 106 Agreement will be required for sustainable transport corridor improvements and costs associated with the control of parking on the new access road.

**5.4    Disabled People's Access:** 10% of the dwellings are to meet the lifetime homes criteria as detailed in the planning statement submitted with the application. The remainder of the homes will have a degree of accessibility through compliance with building regulation guidance.

**5.5    Other Environmental:** The site contains a number of mature trees. A tree survey accompanied the application and it is not considered that there are any trees on the allotment site that are worthy of protection by a preservation order. A tree preservation order covers the trees on the RSD site and the new access road would result in the felling of a sycamore, two rowan and two western red cedar trees within the site. The widening of the existing entrance to the RSD site would also impact upon a beech and horse chestnut, which abut the Ashbourne Road frontage. Members will be updated at the meeting with regards to the level of works proposed and the implications for those trees.

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

The application offers some information relating to the drainage proposals for the site. In line with PPS25, the drainage discharge from this site should be achieved demonstrating the use of sustainable urban

## B1 APPLICATIONS (cont'd)

4 Code No: DER/11/07/02094

drainage techniques if possible. An appropriately worded condition can be attached should planning permission be granted, to ensure all drainage details are submitted to and approved in writing prior to any works commencing on site.

### 6. Publicity:

Neighbour Notification letter	46	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: Three letters of objection have been received in response to this application, one sited as being on behalf of the Pybus Street residents association.

The nature of the objections raised, relate to:

- A loss of privacy resulting for neighbouring residents
- Increases in traffic and activity creating noise and activity that will compromise the amenities of neighbouring residents.
- Inadequate parking provision on site will increase existing parking problems in the area
- The development will increase traffic and congestion already a problem on Ashbourne Road
- The site should be used to provide an alternative link route to the University site, thereby reducing the traffic and noise along Pybus Street.

### 8. Consultations:

DCommS (Arboriculture) – raises objections to the proposal on the grounds of tree loss.

DcorpS (Health) – the noise report submitted suggests various noise mitigation measures to achieve satisfactory internal noise levels. Mitigation measures should be agreed, before development commences.

DWT - are not aware of any substantive nature conservation interest within the proposed development site. The submitted Ecology Report

## **B1    APPLICATIONS    (cont'd)**

### **4       Code No:    DER/11/07/02094**

has been undertaken using appropriate methodologies. The report makes recommendations regarding Japanese Knotweed and nesting birds and these recommendations may be made a condition of any permission granted. Derbyshire Wildlife Trust is not aware of any proposed diversity benefits, which would arise from the development and this should be considered when determining this application.

Natural England – raises no objection to the proposed development in respect of legally protected species.

County Archaeologist – the application includes an archaeological desk based assessment report. It is recommended that a condition be attached to any planning permission granted to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation. A suitably qualified and experienced building historian and or archaeological contractor should undertake all fieldwork.

Crime Prevention Design Advisor – the layout shows a good strong building line to Ashbourne Road with defensible space and natural surveillance apparent. The only concern relates to the number of pedestrian access points linking into and through the semi private parking courtyard for plots 1-27. These five paths, even though they are shown to be gated, will cause anonymity of use and could compromise the security of the design.

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

- GD2   - Protection of the environment
- GD4   - Design and the urban environment
- GD5   - Amenity
- GD8   - Infrastructure
- H11   - Affordable Housing
- H12   - Lifetime homes
- H13   - Residential development - general criteria
- E7     - Protection of habitats
- E9     - Trees
- E10   - Renewable energy
- E13   - Contaminated land
- E17   - Landscaping schemes
- E21   - Archaeology
- E23   - Design
- E24   - Community safety
- L2     - Public Open Space Standards
- L3     - Public Open Space Requirements in New Development
- L10   - Allotments
- T1     - Transport implications of new development

## **B1    APPLICATIONS    (cont'd)**

**4        Code No:    DER/11/07/02094**

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:**

#### **Policy considerations**

The starting point for assessing this application must be a consideration of its existing value as allotment land and whether its loss and change to a residential use can be justified.

The site is in an overgrown and unkept state and I have no doubts that bringing the site back into use as allotment gardens would involve significant cost. However, the application must be assessed against the provisions of policy L10 and the applicants have provided an assessment of the necessity of retaining the site as open space and an assessment of the provision and supply of allotment land available to be brought into use to meet latent demand. As a result of the Local Plan Review, a residential allocation on this site was deleted by the Inspector who suggested that a full assessment of its value and consultation with the local community would need to be undertaken. The assessment that has been submitted by the applicants is considered sufficiently robust, its scope and content appropriate. The assessment concludes that the benefits of securing the future use of the Markeaton Street gardens as usable allotment space in addition to the benefits in gaining additional housing in the area, outweighs the need for the use of the application site as allotments.

The conclusions of the assessments that have been undertaken meet the open space standards set out in policy L2. As recommended in the assessment, the dedication of the Markeaton Street site to the Council is proposed and is being negotiated and would be secured through the Section 106 agreement. The satisfactory conclusion of that agreement would be vital to ensure that the loss of allotment land resulting from this development is compensated for through alternative provision in the general locality.

PPG17 requires consultation with the local community as highlighted by the Local Plan Inspector. The submitted assessment offers no indication that this has been undertaken but consultation associated with the advertisement of this application does address this. Although 3 letters of objection have been received to the application, opposition to the loss of the allotment site specifically is not extensive and the



## **B1    APPLICATIONS    (cont'd)**

### **4    Code No:    DER/11/07/02094**

responses to this application do not demonstrate an overwhelming desire by the local community to retain it as open land in allotment use.

The site is located within an established built up area and although the University and the RSD bound it, surrounding development on Ashbourne Road is predominately residential in nature. I therefore consider that in principle, a residential use on the site would sit comfortably with the established pattern of development in the area. As the proposal exceeds 15 units, an affordable housing provision is required and would be secured through the Section 106 agreement.

I am satisfied that this site can offer a satisfactory residential environment for future occupiers and overall, there are no overriding policy objections to use of this site for residential purpose.

#### Design

This application is a resubmission following the issue of a refusal of planning permission in September last year. As indicated in section 4 of the report, a number of the reasons for refusal of that application related to the inadequacy of the design and layout of the scheme.

In this application, the layout has been redesigned and previous concerns relating to the lack of structure, legibility and sense of place have been overcome. The development offers a strong frontage to Ashbourne Road and a new access road into the site as well as offering an internal layout, which it is felt, will have interest and a strong sense of place. Areas of public and private space are more clearly defined with rear parking courts moving the majority of the cars away from the central public space. The development offers a central shared space that it is considered will offer interesting views and an attractive setting for the residential development that will surround it. It is a welcome addition to the scheme.

This site has its constraints given the nature of the uses that surround it and the extent of land that falls within the applicant's control. However, it is considered that the development proposed in this application offers a layout that has interest and will offer an attractive living environment for future occupiers. The concerns of the Crime Prevention Design Advisor are noted but it is considered that the access paths offer some permeability into the site. The entrances to the access paths are surveilled by the dwellings and apartments and given that they are to be gated, I do not feel that they compromise the layout being offered on this site.

## **B1    APPLICATIONS    (cont'd)**

### **4    Code No:    DER/11/07/02094**

The style of the dwellings and apartments proposed are considered acceptable in the Ashbourne Road context. As the development extends along Ashbourne Road it increases in height to three storeys, providing additional emphasis and a focal point on the corner of the new access road. The development is of domestic scale and simple proportions and I raise no objections to the external appearance of the units. Overall, I am satisfied that this proposal achieves a design standard that meets the aims of policies H13 and E23.

#### Residential Amenity

The siting of the proposed dwellings and apartments has sought to minimise overlooking within the site. The levels of amenity space being provided are considered adequate and it is considered that the development would offer a satisfactory living environment for its future occupiers.

I have noted the concerns of the objectors to this application regarding a loss of privacy but space between the development and dwellings on Pybus Street and those recently approved on the RSD site are considered adequate and reasonably meet with the standards normally applied. Given that this site has stood vacant for some time, noise and activity from this development will increase from that currently experienced by the occupiers of property on Pybus Street. However, this application offers a residential use of the site and its implications for the amenities of neighbouring residential property would be deemed reasonable.

#### Highways

The internal road layout proposed for this scheme incorporates the principles of Manual for Streets where priority is given to cyclists and pedestrians and the internal layout is considered acceptable from a highway safety point of view. Objectors to the application are concerned that not enough off street parking is being offered. Overall, 59 parking spaces are proposed and the level of parking provision across the site is considered acceptable.

The proposed access into the site, off Ashbourne Road, is considered adequate to serve the development. In 2006, planning permission was granted for residential development upon the RSD site and the site entrance to the school was proposed to be altered to facilitate that development. Both proposals run along the line of the existing school entrance although their widths and alignment vary to some degree. The granting of planning permission for this development would therefore offer an overlap of the existing point of access already approved on the

## **B1    APPLICATIONS    (cont'd)**

### **4    Code No:    DER/11/07/02094**

RSD site and both permissions could not be implemented without some amendment to one of the schemes being agreed. Our Highway Engineers have advised that the access offered in this application would be suitable to serve up to a total of 103 dwellings without providing a right turn harbourage. Combined, the two developments offer a total of only 72 residential units therefore both developments could be implemented in some form utilising the form of access being offered here. In light of this and the advice of our Highway Engineers, I am able to conclude that a satisfactory form of access into the site would be achieved in this case. Accordingly, this scheme meets the aims of local plan policy T1.

Some cycle parking provision is offered on this site and it is proposed to be located within one of the parking courts. Internal cycle parking would be preferable and this can be negotiated through an appropriately worded condition should, planning permission be granted for the development.

#### **Trees**

The main issue relates to the loss of trees protected by the Tree Preservation Order that covers the RSD. A Sycamore, 2 no. Rowan and 2 no. Western red cedar located within the RSD site alongside the internal access road, would need to be removed in order to facilitate the development. Both the rowan and red cedar would be removed as a result of the proposals already approved on the RSD site. The sycamore was to be retained as part of that scheme but its position within the site would remove any workable solution to achieving a satisfactory access into the allotment site. The loss of the sycamore would be regrettable but can be offered some justification given that its removal allows development of the allotment site to be achieved.

A mature Beech and Horse Chestnut are also affected by the proposals and they occupy prominent positions adjacent to Ashbourne Road and adjacent to the RSD site entrance. Members will be advised at the meeting of the implication of the development for these trees.

Overall, I am satisfied that this application provides a case for the loss of allotment land on the application site and I raise no objections to the principle of its use of residential purpose. The detailed scheme under consideration here, accords with Local Plan policies concerning design, residential amenity and highway safety. Accordingly, I consider that the previous grounds for refusal of planning permission have been overcome and a grant of planning permission can clearly be supported in this case.

## **B1    APPLICATIONS    (cont'd)**

**4    Code No:**    DER/11/07/02094

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

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

**B.    On the successful completion of the Section 106 Agreement, to grant** planning permission subject to conditions

**11.2    Summary of reasons:** The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated at 9. above and is considered to offer an appropriate use of the site which is acceptable in design, highway, amenity and environmental terms.

### **11.3    Conditions**

1. This permission relates solely to the application as detailed in the following drawings unless otherwise agreed in writing by the Local Planning Authority:

Site location plan – drawing no. 303/000 received 8 November 2007  
Proposed site plan – drawing no. PSP/001 rev A received 16 January 2008

Proposed site plan detail – drawing no. 303/PD/PSP/002 rev A received 16 January 2008

Proposed street elevation internal – drawing no. 303/PD/PSP/003 received 8 November 2007

Proposed street elevations external – drawing no. 303/PD/PSP/004 received 8 November 2007

Proposed street elevation external – drawing no. 303/PD/PSP/005 received 7 December 2007

Proposed GA plans and elevations plots 10-18 – drawing no. 303/10-18/GA/001 received 22 January 2008

Proposed GA plans and elevations plots 19-24 – drawing no. 303/19-24/GA/001 received 8 November 2007

Proposed GA plans and elevations plots 40-48 – drawing no. 303/40-48/GA/001 rev A received 22 January 2008

House type A received 22 January 2008

House type B received 22 January 2008

House type C received 22 January 2008

House type C-Br received 22 January 2008

House type F & G rev B received 22 January 2008

House type I received 8 November 2007.

**B1    APPLICATIONS    (cont'd)**

**4    Code No:    DER/11/07/02094**

2. Standard condition 27 (materials)
3. Standard condition 20 (approval of landscaping scheme)
4. Standard condition 22 (landscaping within 12 months (condition 3)
5. Standard condition 24A (vegetation – protection incl. overhanging)
6. Standard condition 51 (service runs)
7. Standard condition 19 (means of enclosure)
8. Standard condition 30 (surfaces to be drained, surface etc)
  
9. 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.
  
10. The construction of the dwellings and apartments shall have full regard to the need to reduce energy consumption and a scheme shall be submitted and approved in writing by the Local Planning Authority, to demonstrate what measures are proposed before the development is commenced. The approved scheme shall be implemented in its entirety before the approved unit to which it relates is occupied.
  
11. Before development commences, details of the proposed noise mitigation measures proposed to achieve satisfactory internal noise levels within the development shall have been submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.
12. A detailed method statement indicating the design and method of construction of the alterations proposed to the existing access to the Royal School for the Deaf, off Ashbourne Road, shall be submitted to and agreed in writing by the Local Planning Authority before development commences.
  
13. No development shall take place until the applicant, or their successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority.
  
14. The recommendations and remediation works outlined in the Exploratory Investigation provided by GeoDyne Limited shall be implemented in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority before development commences, unless otherwise agreed in writing by the Local Planning Authority.

## **B1    APPLICATIONS    (cont'd)**

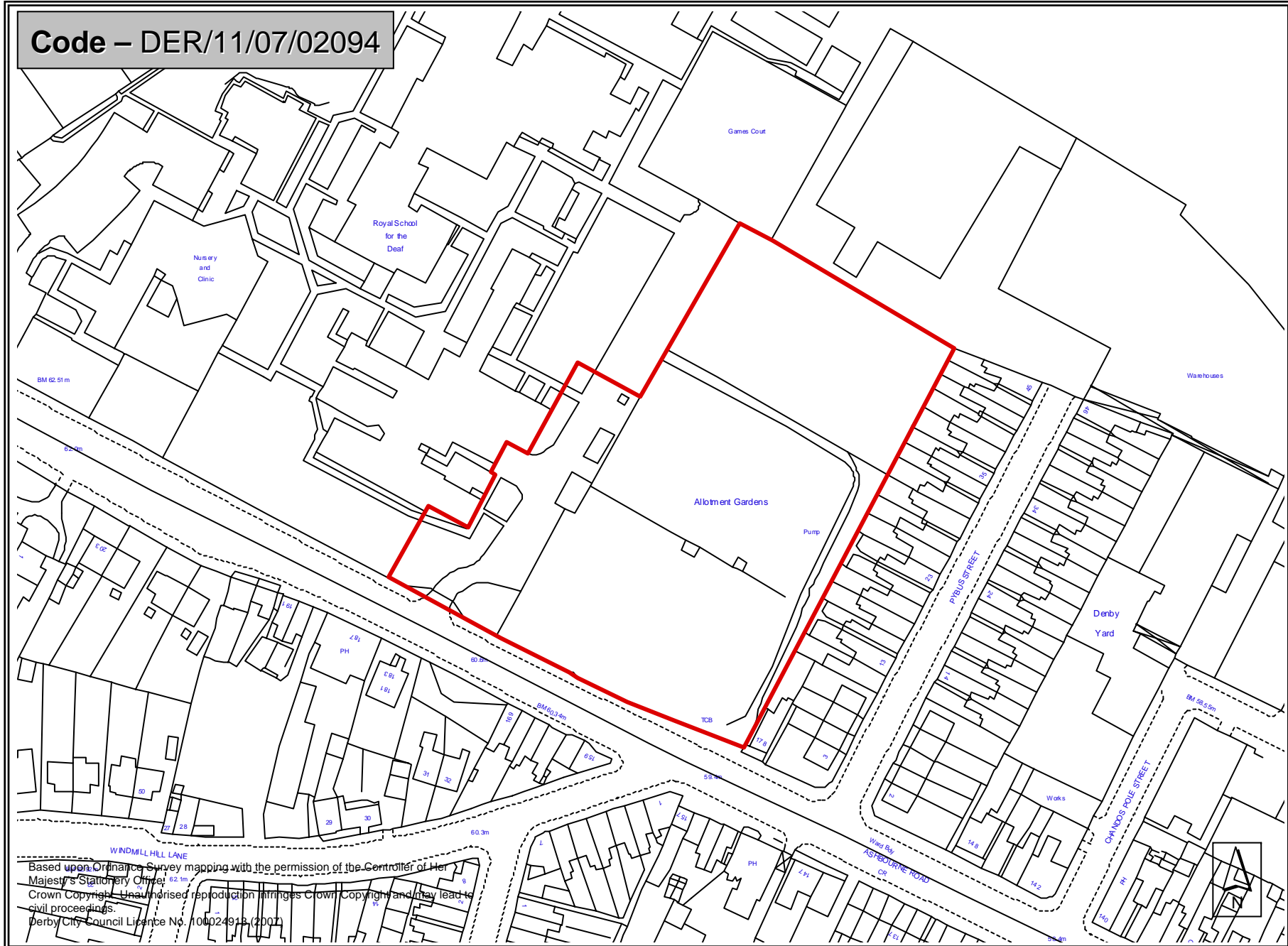
**4    Code No:    DER/11/07/02094**

### **11.4    Reasons**

1. Standard reason E04
2. Standard reason E14...policies H13/E23
3. Standard reason E14...policies H13/E23/E17
4. Standard reason E14...policies H13/E23/E17
5. Standard reason E29...policy E9
6. Standard reason E24... policy E9
7. Standard reason E14...policies H13/E23
8. Standard reason E14...policy H13
9. Standard reason E21
  
10. There are opportunities to incorporate renewable energy features in the development, such as solar panels and/or wind turbines and include water conservation measures, which will help to reduce energy consumption, reducing pollution and waste and in accordance with policy E10 of the adopted City of Derby Plan Review.
  
11. To enable the Local Planning Authority to protect the amenities of future occupiers of the residential development and to ensure that a satisfactory living environment is created within the development and in accordance with policy H13 of the adopted City of Derby Local Plan Review.
  
12. To enable the Local Planning Authority to protect trees during the course of construction works in order to protect the visual and environmental amenity of the area in accordance with policy E9 of the adopted City of Derby Local Plan Review.
  
13. To protect any archaeological interest under the site in accordance with policy E21 of the adopted City of Derby Local Plan Review.
  
14. Standard reason E49...policy E13

**11.5    S106 requirements where appropriate:** Lifetime homes, affordable housing, incidental open space / public realm, transport corridor improvements and the dedication of the Markeaton Street allotments to the City Council.

**Code – DER/11/07/02094**



**B1 APPLICATIONS (cont'd)****5 Code No:** DER/10/07/02027**Type:** Full

1. **Address:** Unit 11, Oakwood District Centre, Danebridge Crescent, Oakwood
2. **Proposal:** Change of use from retail (Use Class A1) to financial and professional services (Use Class A2)
3. **Description:** This application seeks permission for a change of use from ground floor retail (hairdressers) to financial and professional services (betting office) at one of the shop units towards the western end of the Oakwood District Centre.

The centre currently has 8 A1 retail units including the Somerfield supermarket, a Post Office, a pharmacy and a video shop, 5 A2 to A5 units including a building society, an estate agents and two hot food takeaways, and six others.

The application indicates that the intended hours of operation are 9am to 10pm Mondays to Saturdays, including Bank Holidays and 11am to 6pm Sundays.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
  - 5.1 **Economic:** The application indicates the employment of 5 staff. Consideration needs to be given to the impact on the viability and vitality of the district centre.
  - 5.2 **Design and Community Safety:** There are no submitted proposals for changes to the shop front. See consultation responses regarding community safety.
  - 5.3 **Highways:** the application site is within the established district centre with extensive parking facilities available for customers.
  - 5.4 **Disabled People's Access:** No changes are proposed to the shop entrance at this stage which already has an accessible approach.
  - 5.5 **Other Environmental:** None.
6. **Publicity:**

Neighbour Notification letter	2	Site Notice	
Statutory press		Discretionary press	



**B1 APPLICATIONS (cont'd)**

**5 Code No:** DER/10/07/02027

advert and site notice		advert and site notice	
Other			

**7. Representations:** Some four representations have been received from Oakwood residents objecting principally on the following grounds:

- there is already a number of betting outlets in the area and online betting is available
- a bookmakers is not appropriate for Oakwood, being a suburban area with a small, family orientated shopping precinct
- it will create rubbish and anti-social behaviour from the youths hanging around
- it will bring extra traffic
- other shop uses are needed in the area
- the proposal should be discussed at the neighbourhood panel meeting.

**8. Consultations:**

Police – no objections.

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

GD5 - Amenity  
S3 - District and Neighbourhood Centres  
S12 - Financial and Professional Services and Food and Drink Uses  
T4 - Access, Parking and Servicing.

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

**10. Officer Opinion:** Policy S3 allows a range of uses serving a local need provided that the proposal is compatible with the centre and would not detract from its vitality and viability. Policy S12 allows for financial and professional services within centres provided it will not lead to a concentration of such uses likely to undermine the vitality and viability of the centre.

If the proposal was allowed, there would be 37% A1 retail uses, 31.5% A2 to A5 uses and 31.5% other uses. At under 40% retail uses vitality

## **B1    APPLICATIONS    (cont'd)**

### **5       Code No:    DER/10/07/02027**

and viability must be considered. The centre is relatively small with a relatively high proportion of D1/D2 leisure and institutions, such as doctors and dental surgeries but the core retail function of the centre is not affected. The centre is in a reasonably healthy state with a reasonable range of core retail uses and no vacancies. The range of A2 uses is restricted to the building society and an estate agents. It is not considered that the change of use would affect the vitality or viability of the centre.

The question of need and moral concerns are not material considerations. The centre has extensive parking facilities and the change of use would not result in a material increase in traffic visiting the centre. The police have not raised concerns on community safety issues.

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

**11.1    To grant** planning permissions with conditions.

**11.2    Summary of reasons:** The proposal has been considered against the City of Derby Local Plan policies as summarised at 9 above and presents a proposal which does not in the opinion of the Local Planning Authority, adversely affect the vitality or viability of the district centre.

#### **11.3    Condition**

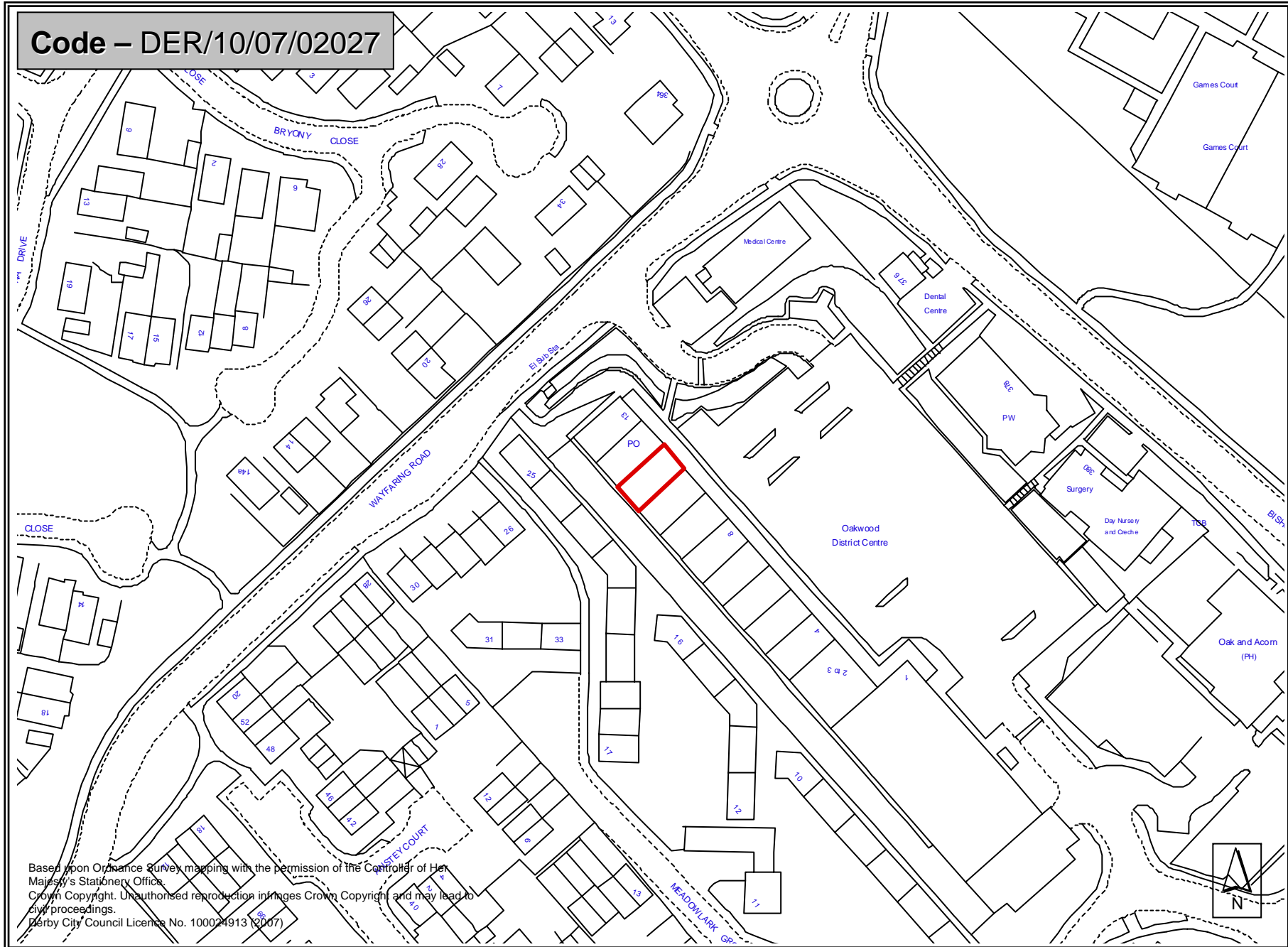
A shop window display shall be maintained at all times.

#### **11.4    Reason**

In order to ensure that the premises maintain a visually attractive shop front in the interests of the vitality and viability of the centre and in accordance with Policy S3 and S12 of the adopted City Of Derby Local Plan Review.

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

**Code – DER/10/07/02027**



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