

## Item 9

### Development Control Report of the Strategic Director of Neighbourhoods



Derby City Council

Planning Control Committee  
14<sup>th</sup> March 2013

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| 5        | 50 - 71  | 10/12/01240     | Land west of Manor Park Way, Derby  | Erection of 100 dwelling houses (Manor Kingsway Phase 1)  | <p><b>A. To authorise</b> the Director of Planning and Facilities Management to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and to authorise the Director - Legal and Democratic Services to enter into such an agreement.</p> <p><b>B. To authorise</b> the Director of Planning and Facilities Management to <b>grant permission</b> upon conclusion of the above Section 106 Agreement.</p> |

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| 6        | 72 - 81   | 06/12/00727     | 27 Wardwick, Derby, DE1 1HA (former Kwao Thai Restaurant) | Change of use from restaurant (Use Class A3) to Public House (Use Class A4), external alterations to front elevation and erection of outdoor bar servery and smoking shelter              | <b>To grant</b> planning permission with conditions  |
|          |           | 08/12/01033     | 27 Wardwick, Derby, DE1 1HA (Former Kwao Thai Restaurant) | Change of use from restaurant (Use Class A3) to public house (Use Class A4), external alterations to front and rear elevations and erection of an outdoor bar servery and smoking shelter | <b>To grant</b> consent conditionally  |
| 7        | 82 - 103  | 12/12/01527     | Bath Street Mills, Bath Street, Derby, DE1 3BU            | Demolition of Mill and associated outbuildings, erection of 82 Extra Care apartments with associated communal facilities and formation of car park  | <b>A. To authorise</b> the Director of Planning and Facilities Management to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and to authorise the Director - Legal and Democratic Services to enter into such an agreement.<br><br><b>B. To authorise</b> the Director of Planning and Facilities Management to <b>grant permission</b> upon conclusion of the above Section 106 Agreement. |
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| 8        | 104 - 113 | 08/12/00990     | 55 Westbury Street, Derby, DE22 3PP                       | Extensions and change of use from dwelling house (use Class C3a) to a house in multiple occupation (Sui Generis use)  | <b>To grant</b> planning permission with conditions  |

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| 9        | 114 - 140 | 11/12/01333     | Site of Mackworth College buildings, Prince Charles Avenue, Mackworth, Derby, DE22 4LR | Residential development (up to 221 dwellings) community facilities and access and open space | <p><b>A. To authorise</b> the Director of Planning and Facilities Management to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and to authorise the Director - Legal and Democratic Services to enter into such an agreement.</p> <p><b>B. To authorise</b> the Director of Planning and Facilities Management to <b>grant permission</b> upon conclusion of the above Section 106 Agreement.</p> |

## **Committee Report Item No: 1**

**Application No:** DER/03/12/00334

**Type:** Full

1. **Address:** Land in front of 3 – 5 Primula Way, Littleover

2. **Proposal:**

Formation of access road to serve proposed residential development on land off Stenson Road (submitted as an Outline Planning Application to South Derbyshire District Council under reference 09/2007/0655/M)

3. **Description:**

Throughout the life of the application amendments have been sought in order to address concerns of colleagues in Highways Development Control in respect of the dimensions of the proposed access, its design and integration with the existing highway of Primula Way. This report relates to drawing no. 2681-01 Revision C entitled 2.5 metre proposed access road with 2.0 metre footpaths from Primula Way, only. The application is accompanied by a Design and Access Statement, which has been amended, site location plan, indicative master plan for the wider development and a Flood Risk Assessment.

The full planning application seeks permission for the formation of a vehicular access with footways to serve up to 145 dwelling houses, which are located within South Derbyshire. The application site is rectangular in form and located at the termination of Primula Way. The application site is bound by no's 1, 3 and 5 Primula Way to the south, the public highway to the east, public open space to the north and fields to the west, which are delineated as blue land and have an resolution to grant planning permission for residential development, since July 2012. Further confirmation has been sought to ensure there is no encroachment on the public open space and/or the curtilage of those adjacent properties no's 1 – 5 Primula Way. I am therefore satisfied that the application red edge does not seek to incorporate land outside of the applicants' control.

4. **Relevant Planning History:**

No relevant planning history with Derby City Council.

South Derbyshire District Council - 09/2007/0655/M Outline application (all matters reserved except for means of access) for the erection of 145 dwellings on Land off Stenson Road, Stenson, Derby

The application was report to South Derbyshire District Council Planning Control Committee on 17 July 2012 with a resolution to grant planning permission subject to the applicant entering into a Section 106 Agreement. The requirement for the access to be considered by Derby City Council Planning Control Committee was reported for information and background information. Amongst others a contribution towards transport improvements along the Stenson Road corridor were included in order to mitigate the development at a cost of £1481 per dwelling and £582 per apartment.

5. **Implications of Proposal:**

5.1. **Economic:**

There are no economic issues arising as a result of the proposal.

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**Type:** Full

### **5.2. Design and Community Safety:**

Amendments have been made to the access layout in order to ensure a suitable width and connection to the existing public highway of Primula Way. There are no community safety issues arising as a result of the proposal.

### **5.3. Highways – Development Control:**

The following comments are made in reference to Drawing No 2681-01 Rev C unless otherwise specified. Outline Application (all matters reserved except for means of access) for the erection of 145 dwellings at land off Stenson Road, Derby.

The application area is located to the west of Stenson Road as an extension to Primula Way in the Derby City Council Planning area; however the majority of the proposed residential development lies within the South Derbyshire District Council Planning area. The proposal borders onto existing residential development to the north and east. There is an existing railway line to the south east which runs under Stenson Road. At this point on the City boundary Stenson Road has a single lane running width over the railway which is controlled by traffic signals on shuttle working. Stenson Road to the south of the site is the main north south route linking the existing residential development at Stenson Fields to the A5111 ring road to the north and Derby City Centre.

The access is proposed to be a single point of access to serve, 145 residential units with the potential of serving up to 600 units in total. As a result of the Outline application in South Derbyshire the highway impacts of the proposed 145 home development on land off Primula Way have been assessed using the Derby Area Transport Model (DATM) 2016 traffic flows, which include the impact of committed developments such as the 500 home Stenson Fields proposal. Using DATM flows has given a more realistic prediction of traffic flow as it takes into consideration drivers rerouting to avoid congestion on Stenson Road. Mitigating measures have been identified as a result of the modelling and these are identified in the South Derbyshire Application No. 09/2007/0655/M

The access arrangement as shown is suitable to serve the currently proposed 145 dwellings, however, any increase in number will require a revised access layout.

### **Highways – Land Drainage:**

Our comments relate solely to the plans to construct an access road for the proposed residential development which is located in South Derbyshire

In our previous response we stated that:

*“The Application Form indicates the use of a soakaway for the disposal surface water runoff which would ensure that there is no flood risk increase to others. Unfortunately, the application does not show where it may be placed and it appears to me that there is no place within the site that a soakaway would be allowed by the adopting authority. Therefore it is likely that the construction of this highway would lead to an increase in flood risk to others and therefore I am given no choice but to **object** to the application.”*

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**Type:** Full

Although a Flood Risk Assessment has been produced, there is no further information regarding the proposed soakaway, or alternative methods for drainage, and so our objection still stands.

### **5.4. Disabled People's Access:**

There are no accessibility issues arising as a result of the proposal.

### **5.5. Other Environmental:**

There are no environmental issues arising as a result of the proposal.

## **6. Publicity:**

|  |   |  |   |
|--|---|--|---|
| Neighbour Notification Letter          | 3 | Site Notice                                | Y |
| Statutory Press Advert and Site Notice | Y | Discretionary Press Advert and Site Notice |   |
| Other                                  |   |  |   |

*This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.*

## **7. Representations:**

The application, following a number of consultation periods, has attracted 8 letters of objection and a petition of objection undersigned by 106 residents. A summary of the objections is set out below:

- Loss of open space which is well used by dog walkers, cyclists, walkers, families,
- Impact on residential amenity,
- Increased risk of flooding,
- Designated as an area at risk of flooding,
- Increased traffic and congestion,
- Inadequate local facilities including schools, libraries, nurseries, doctors surgeries,
- Impact on the single lane bridges within the locality,
- Impact on the speed in which Emergency Service vehicles can attend incidents,
- Too many houses are proposed,
- Impact on the surrounding road network which is already congested,
- Increased noise and pollution,
- Concerns about flooding have been raised by Council Engineers,
- Disruption to existing residents.

*Copies of all the representations are available to view on the Council's eplanning service:- [www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*



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### **8. Consultations:**

#### **8.1. Environment Agency:**

No Comments received

#### **8.2. South Derbyshire District Council**

Thank you for your recent consultation in connection with the above matter. I can confirm I have no observations to make on the proposal. This Council is still processing application ref: 9/2007/0655 for the residential development of 145 houses. Please note that this is an Officer view only and this matter has not been referred to a Committee.

### **9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.***

|     |  |
|-----|--|
| GD3 | Flood Protection                           |
| GD4 | Design and the Urban Environment           |
| GD5 | Amenity                                    |
| GD8 | Infrastructure                             |
| H13 | Residential Development – General Criteria |
| T1  | Traffic Implications of New Development    |
| T4  | Access, Parking and Servicing              |
| T6  | Provision for Pedestrians                  |
| T7  | Provision for Cyclists                     |
| T10 | Access for Disabled People                 |
| L1  | Protection of Parks and Public Open Space  |

*The NPPF is a material consideration and supersedes the earlier PPG's and PPS's*

*The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.*

### **10. Officer Opinion:**

#### **Principal of Development**

The land is not allocated for any specific purpose in the saved policies of the City of Derby Local Plan Review.

A separate planning application has been submitted to South Derbyshire District Council for residential development (up to 145 dwellings) which would form an urban extension to Derby. The application has been presented to the South Derbyshire District Council Planning Control Committee with resolution to grant planning permission subject to applicant/agent entering into a Section 106 agreement.

The proposed access road which is the subject of the Derby City application would be required to serve the proposed new residential development in South Derbyshire.

It is relevant that Derby City Council formally objected to the South Derbyshire application primarily on grounds of flooding as the site lies within floodzone 3b and residential development is not suitable in such areas. The City Council's response relating to the application also commented on concerns over highway capacity implications. However, it is for South Derbyshire District Council to determine that application and for Derby City Council to determine this application for the access.



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**Type:** Full

Following the consideration of land registry documentation I am satisfied that the proposed access does not encroach onto the area of land to the north which has been formally laid out as public open space. Therefore there are no conflicts with saved policy L1 of the adopted City of Derby Local Plan Review; I would also note the accompanying Masterplan identifies an extensive area of public open space immediately adjacent to the application site.

The issue of flooding is also very relevant to this application. The land proposed for the access appears to also be in a high flood risk area. Policy GD3 only allows for development to take place in undefended areas of flood risk if satisfactory compensatory measures are provided to offset and potential adverse effects of development on the water environments and associated land. This policy was superseded by guidance in PPS 25 and more recently by the National Planning Policy Framework and technical appendices. Essential infrastructure is permitted within this level of flood protection area and I would class the proposal as falling into this category as long as the development in South Derbyshire is certain to go ahead. Furthermore, I note that the applicant has submitted evidence that their housing proposal includes measures to bring that site out of floodzone 3 as well as some land in the City and that the Environment Agency are satisfied with the approach.

### **Access**

Following the submission of drawing no. 2681-01 Revision C which shows the provision of a 2.5 metre carriageway and 2 metre footways colleagues in Highway Development Control are satisfied that the access can serve up to 145 dwellings. Should the developer, in the future, wish to provide more than 145 dwellings then amendments will need to be made to the access; this has been brought to their attention throughout the life of this application and will be enforced through a recommended condition. The application has therefore not sustained any objections from colleagues in Highway Development Control.

### **Residential Amenity and Third Party Representations**

Whilst I accept no's 1, 3 and 5 Primula Way currently enjoy a peaceful outlook and views over the public open space these are not material considerations to the determination of a planning application. The introduction of an extension to the existing highway in this location will create a relationship no different to many other residential properties across the City and does not warrant the refusal of the application on this ground alone.

I note the objections by residents in respect of the increased generation of traffic, noise, pollution and general disturbance and I am satisfied that these points will have been considered by South Derbyshire District Council in their deliberation and discussion of the future use of the adjacent land and the provision of additional housing. Furthermore, the master plan of the adjacent residential site identifies and area of public open space adjacent to the City boundary and contribution to amenities are featured within the Section 106 agreement for that application. Whilst I am mindful of the content of the objection letters I am of the opinion that they are more relevant to the consideration of the future use of the adjacent site rather than the design and siting of the proposed access road, alone.

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**Type:** Full

### **Other Issues**

I note the objection from Land Drainage and Environment Agency and recommend the inclusion of a drainage strategy condition. Furthermore, the issue of drainage has been considered at length by South Derbyshire District Council with the following forming part of the Section 106 Agreement aimed at alleviating potential flood risk in the locality:

*Provision of off-site flood alleviation works, in particular:*

- *Provide further detailed design for the flood alleviation scheme. The design must demonstrate comprehensively that there is no flood risk to the proposed development nor to third parties both upstream and downstream of the development. In particular reference to the hydraulic model submitted, an unrealistic pivot in calculated water surface profiles between HB6(a4) and HB6b(a4) and HB8 requires further investigation. It must be clearly demonstrated that model data files match model results files.*
- *Ensure that a comprehensive maintenance and management regime is established for the flood alleviation scheme and any associated control structures. Should a private management company assume responsibility, there should be a contingency plan for adoption and maintenance via a public body in the case of failure of the management company.*
- *Ensure the flood alleviation channel shall not compromise access to the existing Hell Brook channel for maintenance and emergency access needs. There shall be a workable easement of at least 8m from the existing channel.*
- *Ensure a scheme for the protection of the existing drainage channel to the northern edge of the development site.*
- *Ensure the protection of the exiting balancing feature as shown on Drawing No CAM.070-083.*
- *The scheme to be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed.*
- *Maintenance of the balancing feature on drawing no CAM.070-083 and the associated watercourse.*

### **Conclusion**

In summary, although Derby City Council has objected to the proposed residential development in South Derbyshire, it is for that authority to determine that application. I am satisfied that all issues and objections raised, in respect of the access, have been fully considered and I consider there to be no overriding policy objections to the proposal and recommend planning permission be granted subject to conditions.

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

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

### **11.2. Summary of reasons:**

The proposal has been considered against The National Planning Policy Framework, the policies contained within the Adopted City of Derby Local Plan Review and all other material considerations as summarised at 9 above. The

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**Type:** Full

design of the proposed access is considered to be acceptable and will integrate with the existing public highway of Primula Way. Whilst the application has attracted objections these largely relate to the future use of the adjacent land and not the formation of the access, alone.

### **11.3. Conditions:**

1. Standard condition 100 (approved plans)
2. Standard condition 03 (time limit)
3. No more than 145 dwellings shall take direct motor vehicle access from the extension of Primula Way as detailed on Drawing No.2681-01 Rev C
4. No development shall commence on any part of the application site unless or until the extension to Primula Way has been provided as shown for indicative purposes only on the attached plan reference no.2681-01 Rev C to the satisfaction of the Local Planning Authority
5. Standard condition 30 (drainage of surfaces)
6. Non-standard condition no development shall commence until application code no. 09/2007/0655/M, currently under consideration by South Derbyshire District Council has been granted and the accompanying Section 106 Agreement signed.

### **11.4. Reasons:**

1. Standard reason E04
2. Standard reason E56
3. To ensure that the proposed road layout is designed to an appropriate standard and will produce a workable road that will adequately serve future residents in the interests of minimising danger, obstruction and inconvenience to users of the site and the highway and in accordance with saved policies T1 and T4 of the adopted City of Derby Local Plan Review
4. In the interests of highway safety and in accordance with saved policies T1 and T4 of the adopted City of Derby Local Plan Review
5. Standard reason E21 (GD3 and T4)
6. The hereby approved is necessary to facilitate the accompanying residential development and provide the necessary access and connections to the wider highway network. GD8

### **11.5. Informative Notes:**

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact:

[HighwaysDevelopmentControl@derby.gov.uk](mailto:HighwaysDevelopmentControl@derby.gov.uk)

The applicant is advised that any further development over the 145 dwellings would require a revised access arrangement from Primula Way

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**Type:** Full

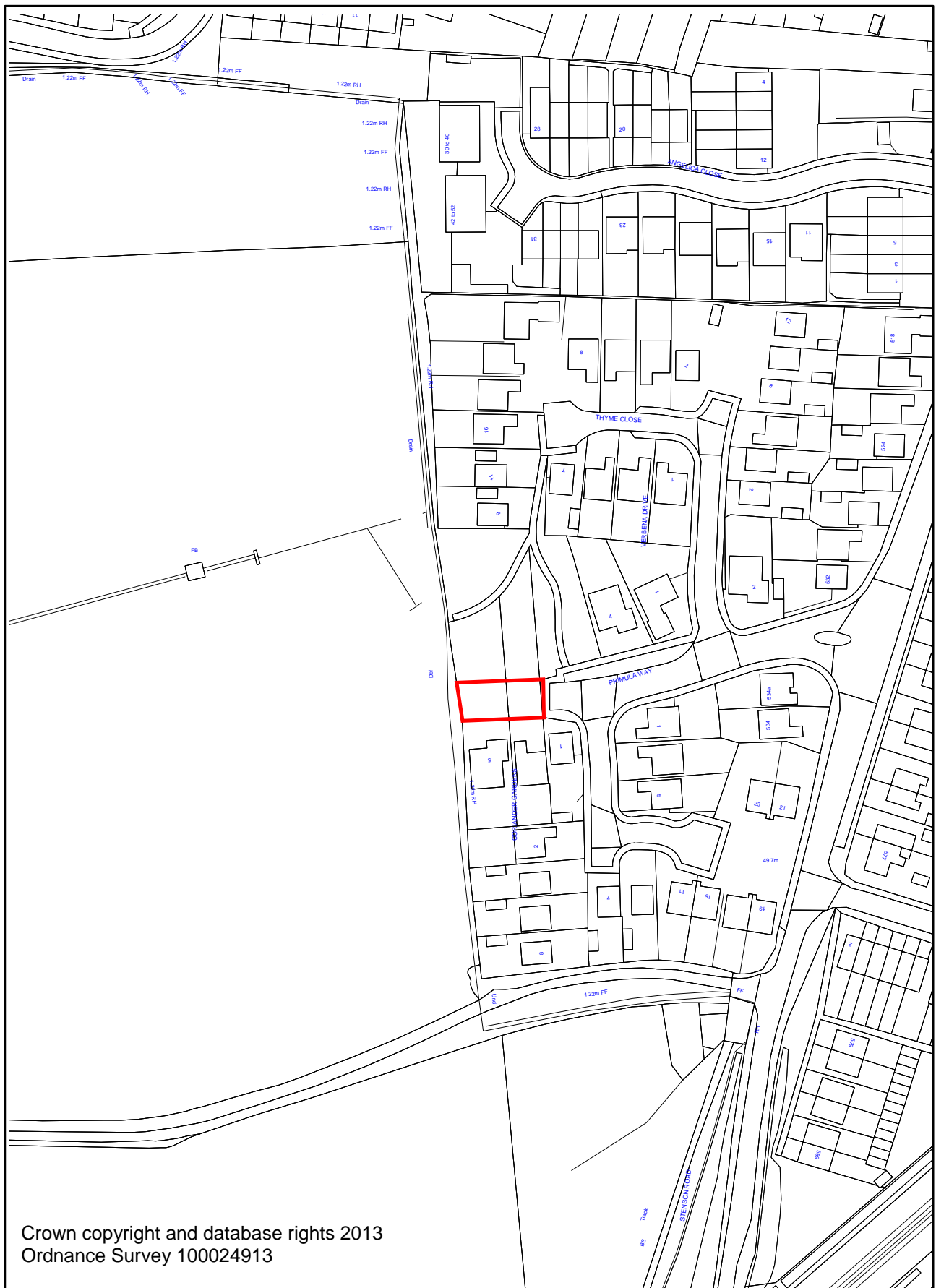
**11.6. Application timescale:**

The application target date expired 16<sup>th</sup> May 2012 and has been delayed as the City Council in dealing with this application has worked with the applicant / agent in a positive and proactive manner and has secured appropriate and proportionate improvements to the scheme which relate to design and dimensions of the access and its integration with the existing public highway of Primula Way.

**Committee Report Item No: 1**

**Application No:** DER/03/12/00334

**Type:** Full



## **Committee Report Item No: 2**

**Application No:** DER/11/12/01395

**Type:** Full-Article 4

1. **Address:** 3 The Square, Mickleover

2. **Proposal:**  
Replacement of two first floor windows

3. **Description:**

The application seeks to replace two first floor windows of a property that lies within the Mickleover Conservation Area. The existing property is of a two storey nature and is a rendered cottage forming part of a terrace. The existing ground floor windows are uPVC and have been in situ for a considerable period of time.

The application originally sought permission for the insertion of two hardwood windows of a 6/6 design which was considered to be unacceptable by colleagues in Built Environment and by the Conservation Area Advisory Committee. Therefore amended plans have been submitted, following on-going discussions with the applicant in respect of neighbouring properties.

The application therefore seeks permission to insert two timber windows of a 3/6 design.

4. **Relevant Planning History:**

DER/07/02/01056 – Refused – Installation of replacement windows

5. **Implications of Proposal:**

5.1. **Economic:**

No economic implications arise as a result of this proposal.

5.2. **Design and Community Safety:**

Whilst the design may not be as historically accurate as it could be the proposal will not have a detrimental impact on the character and setting of the Mickleover Conservation Area.

5.3. **Disabled People's Access:**

No access implications arise as a result of this proposal.

5.4. **Other Environmental:**

No environmental implications arise as a result of this proposal.

6. **Publicity:**

|  |   |  |  |
|--|---|--|--|
| Neighbour Notification Letter          | 7 | Site Notice                                |  |
| Statutory Press Advert and Site Notice | Y | Discretionary Press Advert and Site Notice |  |
| Other                                  |   |  |  |

*This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.*

## **Committee Report Item No: 2**

**Application No:** DER/11/12/01395

**Type:** Full-Article 4

### **7. Representations:**

The application has not attracted any letter of representation following the statutory consultation period.

*Copies of all the representations are available to view on the Council's eplanning service:- [www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*

### **8. Consultations:**

#### **8.1. Conservation Area Advisory Committee:**

Minutes from Meeting December 2013: Resolved to recommend:

1. Refusal on the grounds that the proposed replacement windows are not in-keeping with the building or the surrounding conservation area; and
2. That should the windows be replaced; wooden sash windows, in working order, would be appropriate.

#### **8.2. Built Environment:**

Having reviewed the amended proposals for the first floor windows to 3 The Square, Mickleover we would not object. The design layout is now very similar to that of the existing windows and therefore it would not be a detrimental impact on the character and appearance of the conservation area. The design would preserve the character of the building and therefore is compliant with The Derby City Local Plan Policy E 18 which states that "development proposals ... should...Preserve or enhance the special character of the conservation area" and in addition "Planning permission will not be granted for development which would be detrimental to the special character of Conservation areas".

### **9. Summary of policies most relevant:** *Saved CDLPR policies / associated guidance.*

|     |                                  |
|-----|----------------------------------|
| GD4 | Design and the Urban Environment |
| GD5 | Amenity                          |
| H16 | Residential Extensions           |
| E18 | Conservation Areas               |

*The NPPF is a material consideration and supersedes the earlier PPG's and PPS's*

*The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.*

### **10. Officer Opinion:**

The amended drawings have been submitted following discussions with the applicant and colleagues in the Built Environment Team. Whilst I accept a 2/2 sash window would be more historically accurate I must also consider the existing street scene which is a mix of window styles and types. I am therefore of the opinion the insertion of these windows into no. 3 The Square would not have a severely detrimental impact on the nature, character and setting of the Mickleover Conservation Area given they are similar to those existing windows. I also note no objections have been received from colleagues in the Built Environment Team.



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**Application No:** DER/11/12/01395

**Type:** Full-Article 4

There are no residential amenity issues arising as a result of the proposal and I am satisfied that there will be no impact on highway safety.

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

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

#### **11.2. Summary of reasons:**

The proposal has been considered against The National Planning Policy Framework, the policies contained within the Adopted City of Derby Local Plan Review and all other material considerations as summarised at 9 above. The design and materials proposed are considered to be acceptable and will not have a detrimental impact on the character, setting and visual amenity of the Mickleover Conservation Area.

#### **11.3. Conditions:**

1. Standard condition 100 (approved plans)
2. Standard condition 03 (time limit)
3. Standard condition 78 (amended to include further details of the windows at a scale of 1:10 or 1:20 including the materials and colour finishes)

#### **11.4. Reasons:**

1. Standard reason E04
2. Standard reason E56
3. Standard reason E14 (GD4, GD5 and E18)

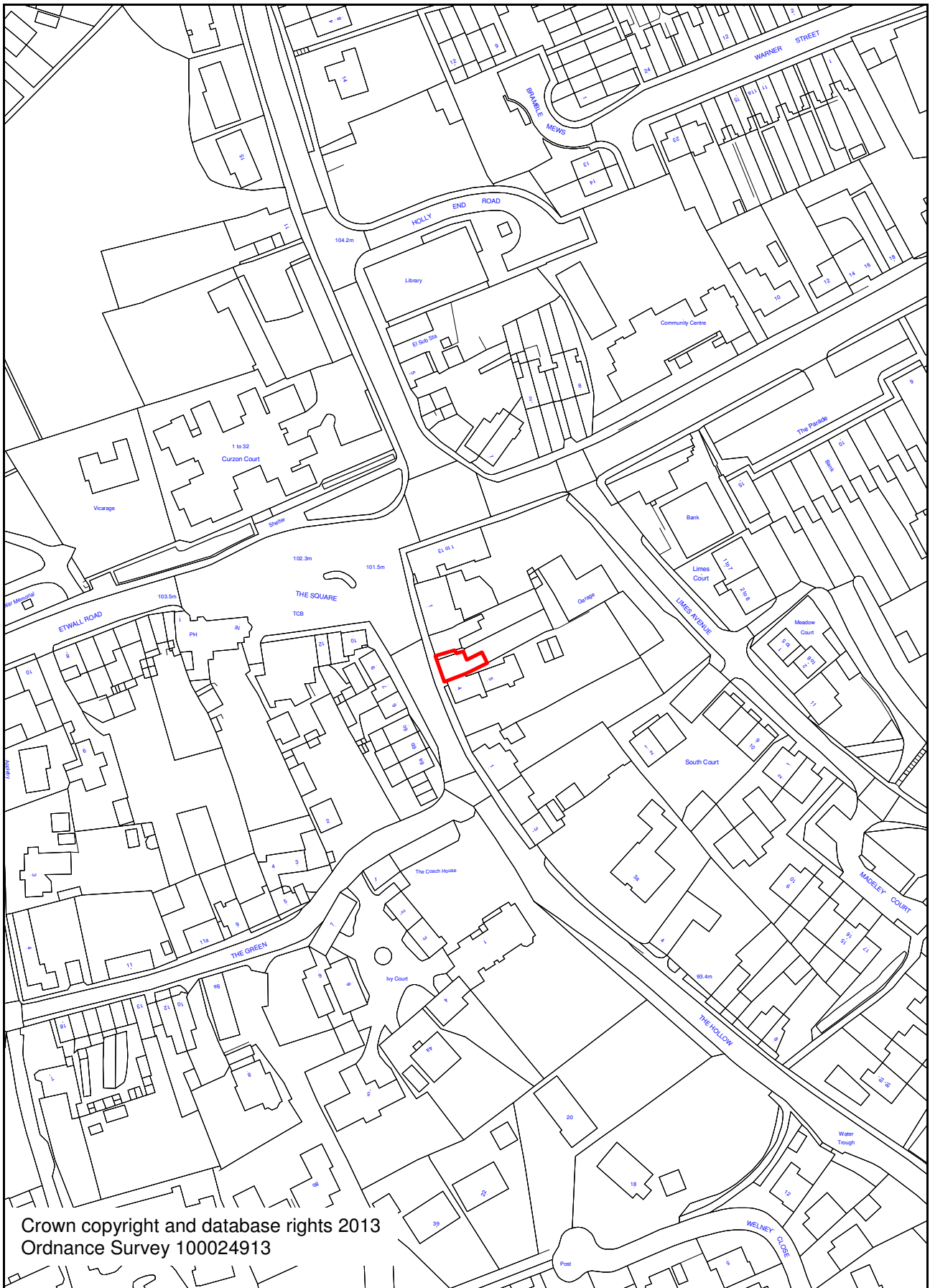
#### **11.5. Application timescale:**

The 8 week target date of this application lapsed 24<sup>th</sup> January 2012 and it is brought to Planning Control Committee due to the receipt of an objection from the Conservation Area Advisory Committee.

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**Application No:** DER/11/12/01395

**Type:** Full-Article 4



## **Committee Report Item No: 3**

**Application No:** DER/08/12/01056

**Type:** Full

1. **Address:** Midland House, 1 Nelson Street (adjacent to Railway Station)

2. **Proposal:**

Change of use of building from offices (Use Class B1) to school (Use Class D1) and formation of associated parking, access and recreational space

3. **Description:**

This application relates a non-listed building within the Railway Conservation Area, known as Midland House, located on Nelson Street. It a substantial, three storey, red brick building adjacent to Derby Railway Station, which dates from the mid 19<sup>th</sup> Century. The building originally built as offices for the railway companies is now in private ownership is occupied as office accommodation. Midland House is a distinctive building which fronts onto Nelson Street. It also abuts Noble Street/Hulland Street and the access to the South Car Park and maintenance depot associated with the railway station.

Full permission is sought for a change of use of the office building (B1 use) to a school (D1 use). No external alterations or extensions are proposed to provide the school use. The proposal is to form the school in phases, with the existing B1 use continuing in parts of the building until the school expands into the whole building by r 2015/16.

The proposed school is to be funded under the Government's "free schools" programme. The proposal is for a secondary school, catering primarily for 11 to 18 year old pupils. The number of school staff is estimated to rise from 23 in the first year up to 57 for the full 600 pupils.

The external play space and the parking/ drop-off areas for the school would be provided to the south of the building, on an existing car park at the southern end of the South Car Park. This car park is currently reached from Midland House via an access road off Hulland Street and provides staff parking for the offices within the building. There would be a total of 53 parking spaces provided for the proposed school, which are made up largely of existing provision around the building and the rest within the site car park. However, only 17 of these spaces would be available to the school for staff and visitors until the existing office uses vacate the building in 2015/16. 23 of the 53 parking bays are located to the east and south flank walls of Midland House, which include 3 disabled bays. One current parking area to the south west corner of the building adjacent to the car park access is proposed to be closed off to parking vehicles, to provide pedestrian route from Hulland Street to the rear entrances to the building. The remaining 28 spaces are to be provided in a gated parking/ drop-off area served by an existing vehicular access from the Hulland Street junction. This parking area would be shared with the current office uses until 2015/16. The school would use the parking area as the sole car park for visitors, parents and bus drop-off/ pick up of pupils. However, until the office uses vacate the site, there will not be parking or drop-off space, for parents within the designated parking area and it is not clear where parents would park or drop-off pupils in this intervening period. It is intended that about 80% of pupils would be transported to the school by bus, which would lessen the number of parents transporting children. Amendments to the layout and parking arrangements have been made during the course of the

## **Committee Report Item No: 3**

**Application No:** DER/08/12/01056

**Type:** Full

application to clarify parking provision for the school and existing office uses and to separate pedestrians from vehicles within the proposed parking/ drop-off area.

Beyond the parking/ drop-off area, the school playground and Multi- Use Games Area (MUGA) would be situated at the southern end of the site and a separate pedestrian route for pupils and teachers linking these recreational areas with the school building, is proposed along an existing access to the western perimeter of the main car park. The play ground is shown as an elongated area along the western boundary, which has a gated pedestrian access to the drop-off area, with a separate MUGA to the south east corner of the site. There is also safeguarded vehicular access and turning area across the playground from the South Car Park to serve operational railway land to the south of the site. An identified route to move pupils between the recreational areas, drop-off area and the school is indicated on the site plan and a brief pupil management strategy has also been supplied to support the proposal. These show the pupils would normally be escorted along the route and enter/ leave the school building via the two rear courtyard entrances. There is a short section of the route, where pupils would need to cross a relatively wide vehicular access serving the various car parks and rail maintenance depot.

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

DER/03/10/00370 – Erection of multi-storey car park (to provide 580 parking spaces) on part of the South Car Park (land adjacent to Midland House), current application.

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

#### **5.1. Economic:**

The proposal is a state funded “free” school, to be run as an Al Madinah School. It is to provide places for pupils across Derby and surrounding area and the majority of pupils are to be transported to school by bus. Midland House is to be the secondary school, with primary school provision being provided elsewhere. A current application for a primary school by the same applicant has been submitted for a site off London Road, on part of the Rail Technical Centre.

#### **5.2. Design and Community Safety:**

There are no external alterations proposed to Midland House, which is a prominent and distinctive 19<sup>th</sup> Century office building, which has historical associations with the city’s railway industry. A school use could be accommodated within the building, without detriment to its special character and historic fabric.

The parking and drop-off area and external pupil recreational space are both to be in a remote location to the south of Midland House, alongside other public car parks. This raises safety issues for pupils and potential conflict with existing users of the car parks and the rail operator, Network Rail. Access for pedestrians/ pupils from the parking area and play ground to the school building is to be largely separated from the vehicular access and car parks, although the route must cross the public highway and busy access to car parks and maintenance depot, which raises highway safety concerns. An established right of access for rail maintenance vehicles through the dedicated

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playground may also give rise to potential conflict with pupils using the external spaces.

**5.3. Other Environmental:**

None relevant.

**6. Publicity:**

|  |     |  |  |
|--|-----|--|--|
| Neighbour Notification Letter          | 28  | Site Notice                                |  |
| Statutory Press Advert and Site Notice | Yes | Discretionary Press Advert and Site Notice |  |
| Other                                  |     |  |  |

*This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.*

**7. Representations:**

Three objections and one comment have been received to this application. All have been made by employees of one business, currently occupying Midland House. The main issues raised are as follows:

- The segregation of the building with a school and offices, would create security issues for child safety and limit access through the office accommodation for disabled people.
- Parking and outdoor play areas would conflict with each other. Parking is already difficult.
- Impact of misbehaving pupils on businesses
- Poor environment for school due to noise levels and lack of play areas.
- Due to extra traffic, access from London Road (on Hulland Street) should be made two way.
- Extra school traffic would arrive at same time as peak commuter traffic, causing congestion in local streets.
- Children would be crossing road on a blind and busy corner between building and play area.
- Building is unsuitable for a school.

On support comment has also been received, which states that businesses in the building could easily be accommodated in other office premises within the city.

*Copies of all the representations are available to view on the Council's eplanning service:- [www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*

**8. Consultations:**

**8.1. Highways – Development Control**

There are concerns related to the potential conflict between pedestrians accessing the school and vehicles entering and leaving the adjacent car parks. The route takes pedestrians across the entrance to a number of car parks, which is not ideal. The time at which pedestrians are crossing is likely to be the same time as cars are entering the car parks. This may be mitigated by the suggested “Pupil Management Plan” but details of this plan remain scant and in any event will be difficult to enforce. A better solution would be to take pupils a different route through the car parks to avoid the car parks access, although this would involve land crossing Network Rail Land and may not be possible.

The predicted level of parents dropping off pupils is low, although not sure that the “Trics” data used to support this assertion is representative. This is because the proposed school is likely to have a wider catchment area than a normal school and pupils would be travelling further, potentially increasing the number of pupils travelling by car. The issue with dropping off pupils is the nature of the highway network in the vicinity of the school entrance. The road, Nelson Street, which is adjacent the school entrance is privately owned and so parents have no legal right to use this road and the owner of the road fundamentally objects to the above proposal and therefore permission to use this road is unlikely to be forthcoming. This means that dropping off is likely to take place on the adopted section of Hulland Street.

If cars approach from Midland Road they can drop off pupils on the same side of the road as the school but the drivers will then need to turn around to go back to Midland Road as there is no access to London Road from Hulland Street. If however the driver approaches from London Road, it is possible that the drop offs could take place on the inside of the bend adjacent the Post Office building where visibility for pedestrians to cross the road is poor. I do not think there is very much that can be done to address these issues as it will ultimately be the responsibility of the driver of the vehicle where they drop off the pupil. It is simply a difficult place to put the entrance to a school on bend in proximity of entrances to car parks. If approved, a condition should be imposed seeking details of the pedestrian route between the car park and entrance to the building to be approved, to include details of suitable pedestrian dropped crossings and any other markings which may be considered necessary. I also suggest some form of physical barrier to be erected to ensure cars do not park across the proposed pedestrian route.

The school is proposing a maximum of 17 parking spaces would be available until 2015/16. This is considered acceptable, as whilst this represents slight over provision in the short term, a small amount of temporary visitor parking may be useful whilst the school is setting up. It should be noted that the 8 parking spaces at the eastern end of Hulland Street can only be accessed via a private road. As staff levels increase there would be no dedicated visitor parking available and therefore visitors travelling by car would need to park on-street or in the public car parks. The streets around the school are mainly controlled by Traffic Regulation Orders. The site is well located for access to

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train services and the school is proposed to operate a dedicated bus service for pupils dropping off in the proposed car park.

### **8.2. Disabled People's Access:**

The existing building incorporates lift access to all floors and level access to the main entrance. The school use would be required to provide access for all users under Part M of the Building Regulations. Disabled parking bays are to be provided alongside the building, which is satisfactory. Access to external play areas requires crossing a vehicle access, which does not currently have dropped kerbs. These would need to be installed to provide an appropriate level of accessibility.

### **8.3. Conservation Area Advisory Committee:**

No objections to proposed use.

### **8.4. Police Liaison Officer:**

The building has good natural access control features and a single legible main entrance, which is essential for a safe School. My main concerns are with the parking and recreation areas being divided from the building by a road access and the safety and security issues with access to and from these spaces.

Gates and fencing are indicated but there is no precise information or specifications. Gates commonly offer a simple ladder climbing access by using locks and hinges if not well designed or specified. It is something to be well aware of as many new security fences have this vulnerability designed in, without thought of the consequences.

Preferably the external spaces should all be attached to the building so that all activity can be effectively monitored and benefit from active natural surveillance and guardianship if possible, even if this means reconfiguring access, to maintain the safety and security of this use.

### **8.5. Network Rail:**

With reference to the protection of the railway, we cannot support the current proposals and wish to object to the application. Network Rail does not believe that sufficient consideration has been given to the effect of the proposals on the surrounding area in terms of access and safety. The concerns mainly relate to maintaining the current access to the station and the operation of both the station and adjacent maintenance facility. Nelson Street provides a key entry to the station and Network Rail properties. There are concerns regarding traffic movement and pedestrian safety: the Network Rail privately owned road to the back of Midland House provides access to our maintenance yard, the right of way reserved to Midland House through the station car park is the main entrance and egress to a fairly substantial and busy car park and the application shows areas around the car park are proposed as a play ground for the school. The roadways around there are fairly narrow and congested and a school with drop off points at the far end of the station car park will only exacerbate congestion and impair the manoeuvrability of our maintenance vehicles. In addition the supervision of children in such a busy location will need great consideration and with the high likelihood of



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pedestrian/vehicle conflict (particularly in terms of access to the proposed playground) we do not consider that this is an appropriate location for school use given the needs and operation of the station.

Following the submission of additional information in relation to the parking and drop-off arrangements and the management of pupil's route between the school and the play ground/ drop-off area, the following concerns remain:

- The area around Carrington Street and Hulland Street is already fairly busy serving the access to the station car park, the station taxi rank, various maintenance depots, offices and the post office. From the submitted site plan, it appears that the pupils would access the rear entrances of the building via the two existing courtyards, Network Rail have an access to our maintenance depot at the rear of the building and also this serves as the main entrance to the station car park.
- We note children and pedestrians requiring access to the area beyond the station car park must cross the entrance to the station car park and the access to the maintenance depot. This car park has approximately 280 car parking spaces and the nature of the railway station is that access to and from the car park is used regularly throughout the day and people may not be familiar with the area increasing the risk to pedestrians crossing.
- We note that once across the entrance to the station car park pedestrians will be separated from the car park however pedestrians and vehicles will again converge as a vehicular access separates the walkway and the playground.
- The track access point (to the south of the playground/ car park) is significant to the operational needs of the business and used on a very regular basis. It is difficult to quantify its exact usage as it is dependent on operational requirements at any one time. It should be noted however, that should there be any major incident this access point would be key. With regards to future usage it is confirmed that this access will remain operational regardless of any future planned schemes.

### **9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.***

|      |   |
|------|---|
| GD1  | Social Inclusion                                      |
| GD4  | Design and the Urban Environment                      |
| GD5  | Amenity   |
| CC18 | Central Area Parking                                  |
| EP11 | Development in existing business and industrial areas |
| E18  | Conservation Areas                                    |
| E23  | Design  |
| E24  | Community Safety                                      |
| L11  | New Community facilities                              |
| LE1  | Education uses  |
| T4   | Access, servicing and parking                         |
| T6   | Provision for pedestrians                             |
| T10  | Disabled access                                       |

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*The NPPF is a material consideration and supersedes the earlier PPG and PPS*

*The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.*

#### **10. Planning Officer Opinion:**

The proposed D1, school use for Midland House, is to form a “free” school under the Government’s policy for increasing state funded school places. The National Planning Policy Framework (NPPF) attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities are required to take a pro-active, positive and collaborative approach to meeting requirements to widen choice in education and give great weight to the need to create new schools. This proposal therefore fits into the national policy agenda.

Under Policy LE1 proposals for education uses are acceptable provided that they are well related to the public transport network and would not lead to highway problems and that the proposal is in keeping with the general scale and character of the surrounding area. The proposal is close to the city centre and the railway station, which is accessible to a wide range of public transport options. As a change of use of an existing building the proposed use is in keeping with the general character and level of activity in the local area. These factors are considered to be satisfied in respect to Policy LE1.

The proposed school use could also be considered a community facility and assessed under Policy L11, relating to the provision of new community use. The policy allows for such uses provided that they are well related to the local population, takes account of the character of the surrounding area and allows for adequate access and servicing. Since these criteria are similar to those for education uses, the proposal is considered to be a satisfactory community use in accordance with the policy.

Since proposed change of use, relates to an existing office building, which has a large amount of commercial floorspace, the loss of employment floorspace must be considered under Policy EP11. The policy allows for the loss of employment land for alternative uses provided that the proposal would not lead to a qualitative or quantitative deficiency in employment land supply and would not be incompatible with established employment activity. The potential of the alternative use for generating employment, should also be taken into account. The proposed school use is estimated to employ up to 50-60 staff, when at full capacity. The loss of the office floor space is likely to have a limited impact on both quantitative and qualitative supply of employment land. There would be a minimal impact on the overall quantity of employment land supply within the city. Regard should also be had for the amount of vacant office accommodation within the building, which suggests that there is not a high demand for commercial floorspace in this location. On this basis, it is arguable that the change of use of the offices to a D1 use would not have an adverse effect on employment land supply in accordance with Policy EP11. There have been concerns raised by existing business occupiers of Midland House about the proposed school use being incompatible with employment activity. However, the school and office

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uses are envisaged to share the building for a relatively temporary period. Existing business uses, which are on a short term lease, will vacate the building, whilst the school expands into the rest of the building. As a stand alone building the use of Midland House for education purposes, should not prejudice other employment sites in the surrounding area. Levels of noise, disturbance and traffic are not likely to be unreasonable in this commercial urban context and as such local amenity would be satisfactorily maintained in line with Policy GD5.

The proposal is for a change of use of an important, but non-listed building in the Railway Conservation Area, which has direct historical association with the railway. Midland House is currently in use as general office accommodation and is understood to be partially vacant. It is a large three storey building of distinctive 19<sup>th</sup> Century design, which is also a prominent structure in the local streetscape. The proposed change of use of the whole building to a school use, would involve minimal alterations to the fabric or external appearance of the building. The only external changes would be to apply obscure film to some of the windows, presumably to class rooms. This alteration would be reversible and have a negligible detrimental impact on the special character of the building. The external works to the south of the building relate to an area outside the conservation area and would not harm its character. Overall, I am satisfied that the proposed use would have a limited impact on the historic integrity of Midland House and therefore preserve the appearance and character of the Conservation Area in line with Policies GD4, E23 and E18.

The parking, drop-off and pick up area and external play/ recreational space for the pupils and parents of the proposed school are to be in a separate location to the south of the building, approximately 100 metres away and alongside existing public car parks, including Network Rail's South Car Park. There is existing car parking abutting Midland House, which would be solely for staff and disabled users, comprising 25 spaces. In the short term, these spaces would be shared with the existing office staff. The parking alongside the building is accessed via private roads, Nelson Street and an access to the existing public car parks, which are outside the control of the applicant. Any unauthorised parent's parking or dropping off pupils in these locations would be subject to the control and enforcement of the land owner and this is understood to be Network Rail. Parents may also choose to drop-off pupils on Hulland Street or Carrington Street, which is the public highway. This is not ideal since the road is on a bend and does not have through access onto London Road. It is also a relatively busy route, serving the public car parks, station taxi rank, rail depot and the post office depot. I note the concerns of the Highways Officer about the potential for indiscriminate parking/ dropping-off on the highway, although this is not something that can be reasonably controlled under a planning permission.

The proposed 28 parking spaces and bus drop-off area would be accessed through the adjacent car park, for school staff and transport of pupils to and from the site. 19 of these spaces would also be shared with office staff for the initial period, until 2016, prior to the school taking over the site. The sharing of the car park between staff, parents and bus drop-off is not ideal, although it is acknowledged that the office use is likely to be for a temporary period and there would be satisfactory turning space within the car park to accommodate the school buses and school/ office vehicles. Pedestrian and vehicle accesses within the car park would also be separated, to lessen the potential for safety issues. The overall parking provision for the school in

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the short term and at final capacity is considered acceptable, although in the long term there would be no visitor provision on site. Visitors would therefore only be able to park in the public car parks or on the public highway. Disabled parking bays are to be located adjacent to the building and accessed via private roads. Subject to the owner of the road allowing access to these spaces, then the disabled people's provision is considered acceptable. Overall the proposed parking and vehicular access arrangements for the school are considered to accord with Policies T4 and T10.

The location of the drop-off area and playground/ MUGA to south of the station's car parks will require pupils and their teachers to walk between these areas and Midland House, via rear entrances of the building. The intended route, which is to be managed by teachers would require everyone to cross a wide access from the public highway to the public car parks and a rail maintenance depot. The station car park currently has approximately 280 spaces. A current application, which is to be Phase 2 of the station forecourt improvement scheme, would provide a multi-storey car park with up to 580 spaces to replace the existing car park and served off the existing car park access. This scheme, is approved and implemented would clearly increase traffic flows using the existing car park access.

There are concerns about the safety of pupils using the proposed pedestrian route, between the school and the parking and play areas, where it leads across the public highway and over the busy vehicular access, due to the potential conflict between pedestrians going to and from the school and vehicles in using the car parks and rail depot. There are currently no dropped kerbs or safety features on any part of the public highway in this location to provide some pedestrian safety. A management plan for the movement of pupils between the school building and the car park and play areas has been provided by the school operator, to demonstrate that teachers would manage this process at specific intervals during the day. However, the submitted plan is brief and limited in detail and does not give sufficient reassurance that the safety of pupils would be safeguarded at the potential conflict points along the route. The main intention of the management plan seems to be that teachers would be on hand at key points to monitor pupil movement. This is not considered to be particularly robust and relies solely on staff being able to control all of the children in their charge. These safety issues are likely to arise on a regular basis, since the pupils and teachers would be walking between the school and drop-off areas/ play space about five times daily, including drop-off and pick –up and three play times.

Concerns about the identified pupil route and management plan have been raised by Network Rail (the rail operator), the Police Liaison Officer and the Highways Officer. These issues raise material issues of public and highway safety, which have not thus far being satisfactorily addressed by the applicant. Policy E24 requires new development to provide a safe and secure environment for users of the site, in regard to their design and layout. Policy T6 specifically provides for a safe and attractive environment for pedestrians, including provision of safe and accessible links for pedestrians. Consideration must be given to whether the outstanding pedestrian safety issues, can be properly addressed and potential conflicts with vehicles minimised by the use of physical mitigation measures provided within the public highway and by a more robust management strategy. These matters could be secured by a suitable planning condition, provided that they are implemented before

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the school is brought into use. The use of conditions would not resolve the need to gain access over private land, under the control of Network Rail. However, this in itself is a matter for the applicant to obtain agreement with the land owner.

A further area of potential conflict arises as the pedestrian route meets the playground, where there is a vehicular right of access for Network Rail across the playground to railway land, including a sub-station to the south of the application site. The applicant has not satisfactorily demonstrated how the safety of pupils using the playground would be properly managed in the event of the rail operator's vehicles requiring access to adjacent land. The proposed separation of the main school building from the external parking and recreational areas and the potential conflicts with adjacent uses, in particular the railway operator, gives rise to significant issues of public safety and protection of school pupils between the two parts of the school site and within the external play space. These conflicts have not been satisfactorily addressed by the applicant, during the course of the application and I am mindful of the safety concerns raised by Network Rail, which cannot easily be overcome without some form of access agreement between the school and the adjacent land owner. Network Rail have confirmed that the access is significant to the operational needs of the rail operator and is used on a "very regular basis". The usage is dependent on the operational requirements of the railway, although in the event of any major incident, this access through the application site would be important. They also advise that future usage of the access would remain regardless of any development proposals. Management of this right of access is an issue, which the school should resolve with Network Rail, separately from the planning application. However, the public safety issues which would come from the convergence of pedestrians and vehicles, within an area identified as playground, are material planning considerations which must be assessed against Policies E24, T4 and T6. It would be better to have some form of physical separation or barrier between the designated play space and the safeguarded access to minimise the opportunity for pupils mixing with vehicles. However, there would still be a need for pupils to cross the access to reach the MUGA. The submitted management plan does not address this potential conflict between pedestrians and vehicles and if minded to approve the proposal, then any conflict would need to be minimised by a detailed strategy of mitigation measures, which should also include evidence of access agreement with the adjacent landowner. Such details could be secured by use of a planning condition, subject to the details being implemented brought the school is brought into use.

In conclusion, the proposed use of the existing office building for a school, is appropriate in principle in this location. However, the siting and orientation of the proposed parking/ drop-off area and recreational space, distant from the school building, requires the movement of pupils across a public highway and private access road, which have high volumes of traffic. This aspect of the proposal raises substantial highway safety and pedestrian safety issues, which have not been satisfactorily addressed prior to determination. In order to ensure that the scheme provides a reasonable safe and secure pedestrian environment and accords with the requirements of Policies E24, T4 and T6, further mitigation measures and a better management plan would need to be introduced, prior to opening of the school. The use of planning conditions is of the only appropriate means of limiting the potential conflicts between pedestrians and vehicles. However, there may be some difficulties

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in the enforceability of these mitigating measures, leaving some residual risk to pedestrian safety. These issues need to be balanced against the government's policy on the introduction of "free" schools, which requires a pro-active and positive approach to such uses. Refusal of school applications should only be considered where impacts are likely to be severe and based on cogent evidence. The recent government announcement of a change in permitted development rights, to allow changes of use to existing buildings, including offices to school uses, which is to come into force in June 2013, is also a relevant consideration to be taken into account. Being mindful of the national policy background, the proposed school use is considered acceptable and if Members are satisfied that its external facilities would not result in significant detriment to issues of highway and pedestrian safety, with the imposition of conditions to secure a scheme of mitigation, then the proposal is considered to accord with the saved Local Plan Policies and is recommended for approval.

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

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

#### **11.2 Summary of reasons:**

The proposal has been considered against the following Adopted City of Derby Local Plan Review policies and all other material considerations. The proposed school use would external facilities would be appropriate in this location, which would protect the special character of the building and preserve the character and appearance of the Railway Conservation Area. Subject to suitable mitigation measures being secured by appropriate conditions, the traffic and highway safety implications of the use would be satisfactory and a reasonably safe and pleasant pedestrian environment would be formed for users of the school.

#### **11.3. Conditions:**

1. Three year time limit for commencement of development.
2. Development to be carried out in accordance with approved plans.
3. Limit change of use to D1 school use only
4. Precise details of any vinyl film to be applied to windows of the building to be agreed.
5. Precise details of gates and boundary treatment to be submitted and agreed.
6. Details of landscaping, including hard surfacing and planting schemes for the external areas to be agreed
7. Implementation and maintenance of landscaping scheme agreed under Condition 6.
8. Details of pedestrian route within the public highway between proposed car park and school entrance, including location of crossings, tactile paving and lining and signs to be agreed and implemented.

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9. Detailed management plan for movement of pupils between school building and the proposed car park/ drop off area and playground, including details of route to be agreed and implemented.
10. Management plan to be agreed under Condition 9 to include details of preventing conflict between pedestrians and safeguarded access for rail operational land to the south of application site.

#### **11.4. Reasons:**

1. Time limit condition
2. For avoidance of doubt.
3. To properly control impacts of other uses within the same use class in interests of amenity and traffic safety – Policies GD5 and T4
4. To safeguard character of the building and character and appearance of conservation area – Policies GD4 & E18
5. For provision of safe pedestrian environment and in interests of visual amenity – Policies E24 & E23 & GD4
6. To safeguard visual amenities of the local area – Policies GD4 & E23
7. To safeguard visual amenities of the local area – Policies GD4 & E23
8. In the interests of highway and pedestrian safety - Policies E24, T4 & T6
9. In the interests of highway and pedestrian safety - Policies E24, T4 & T6
10. In the interests of highway and pedestrian safety - Policies E24, T4 & T6

#### **11.5. Application timescale:**

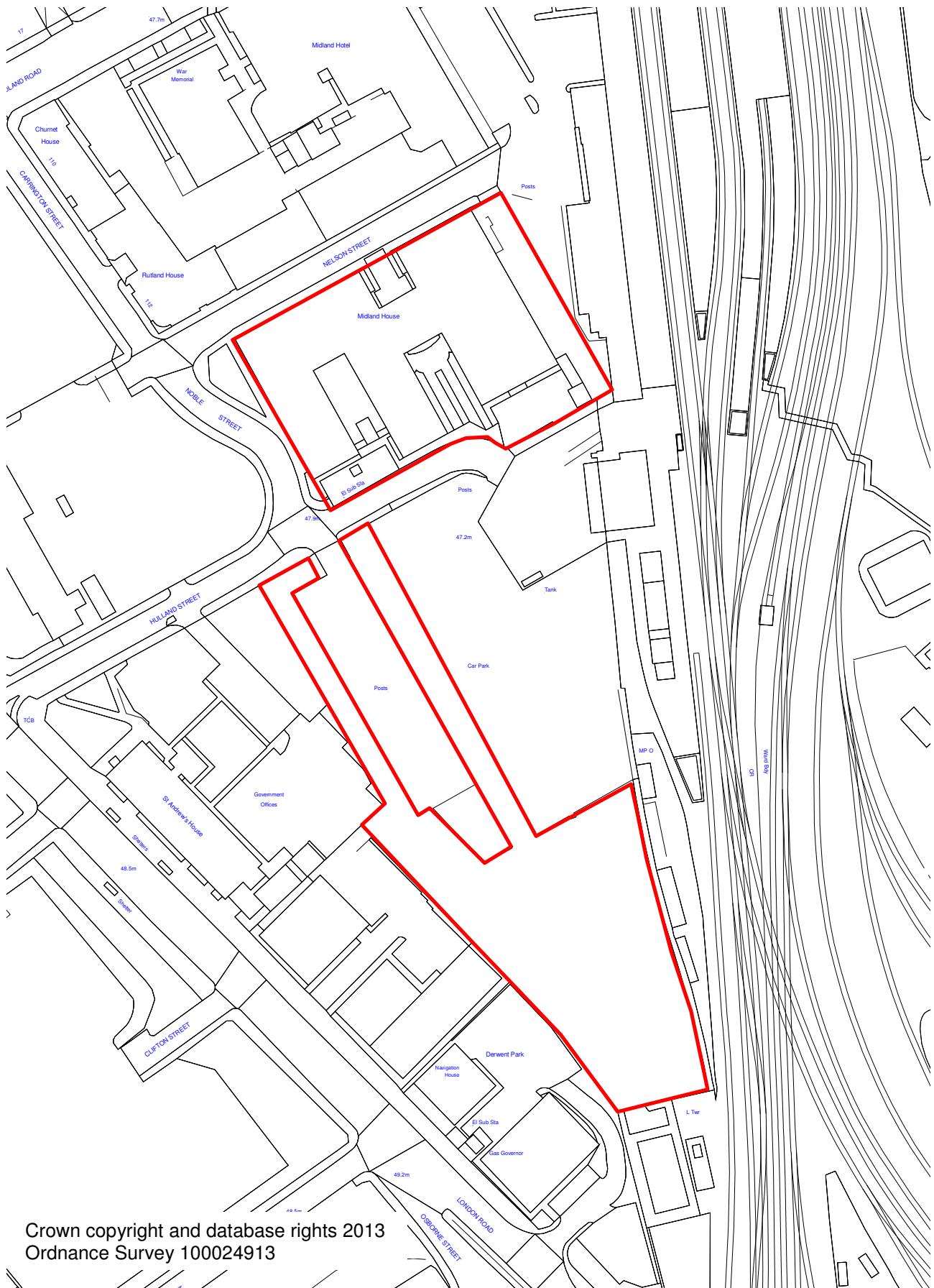
Expiry date for determination of application was up on 21 November 2012 and is brought to committee.



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**Application No:** DER/08/12/01056

**Type:** Full



## **Committee Report Item No: 4**

**Application No:** DER/12/12/01519

**Type:** Full

1. **Address:** Land at Glossop Street and between Elton Road and Cotton Lane, Derby.
2. **Proposal:**  
Erection of 95 dwellings with accesses via Elton Road, Glossop Street and Hawthorn Street.
3. **Description:**

### The site and its surroundings

The two sites are located between Osmaston Road and Osmaston Park Road in an area known locally as the 'Osmaston Triangle'. The Osmaston neighbourhood is located approximately 0.7 km to the south of Derby City Centre, and is composed primarily of semi-detached family housing. To the west the area is bordered by a railway line, and to the north and east by Osmaston Road, a major arterial route into the City Centre. Osmaston Park Road, part of Derby's outer ring road, forms the southern edge to this residential neighbourhood. Interspersed are a number of industrial sites, the majority of which have been worked by Rolls Royce. As operations have moved elsewhere these former industrial sites are currently being de-commissioned with significant demolition works currently taking place. The character of the locality is derived from the close built relationship of post-war suburban family housing and industrial workshops along many of its streets. The predominant form of domestic architecture is semi-detached two storey housing with hipped roofs and front projecting gable features. Many of the existing houses are made up of mix of render and brick materials with a strong consistency in elevation detailing and style. However, the newly constructed housing along Elton Road is the exception to this repeated housing design. The surrounding residential plots are arranged in a very regular layout with generously sized rectangular shape plots with the dwellings positioned toward the frontage with ample garden/driveway space adjacent to the public footpath. The existing pattern of residential environment is fragmented by the two vacant plots of land which are the subject of this planning application.

The sites are generally flat with little change in level, yet topographically the level to the north of Elton Road is 47.9metres and increases to 48.8metres to the south of the Glossop Street plot. For ease of description the application site will be referred to as: the 'northern plot' which comprises land off Elton Road Cotton Lane and the 'southern plot' which is land at Glossop Street.

### Elton Road/Cotton Lane plot

The Elton Road plot is situated between Cotton Lane and Elton Road. To the immediate north is existing housing, an area of land formerly occupied by Rolls Royce, now undergoing decommissioning and land clearance and the Cotton Lane Police Station HQ. To the east is existing post war semi-detached housing. Also to the east and south is a line of early mature Ash trees positioned along the footway on Elton Road. To the direct south is a newly completed residential development consisting of 15 dwellings and 10 apartments, granted planning permission in 2009. It is a cluster of new housing which is a contrast of building type, scale and architectural design. To the immediate west are three terraced blocks of two storey properties with rear gardens which back onto the application site. The interior of the Elton Road plot is made of a triangular section of land with a dense plantation of

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mixed young and semi-mature trees within it. The tree species include Field Maple, Oak, Holly, Hawthorn and Ash. A mature hedgerow also runs through this wooded area. This part of the site is identified – *but not designated* - as a wildlife habitat. The site is brownfield by virtue of 22 dwellings previously occupying much of the plot until the houses were demolished some time ago.

### **Glossop Street plot**

This plot of land is currently empty of any buildings or structures but had until the late 2000's been in use as an unauthorised traveller's site. Upon their relocation to suitable premises nearby, the land has remained in poor condition (although this could be described as a transitional period prior to redevelopment). Prior to this, a total of 56 dwellings once stood along this part of Glossop Street, but these were demolished some time. Like the Elton Road site, this plot is also brownfield by definition of it being previously used land. A small number of trees exist within the site, but they are not particularly noteworthy in terms of their species or visual quality.

The rear gardens of No's 23 – 58 Elton Road back onto the site, as do the rear curtilage aspects of other dwellings on Crowshaw Street, Witney Close, Abingdon Street and Hawthorn Avenue. Aside, from the three blocks of two storey terraced flats on Witney Close the predominant surrounding built form is overwhelmingly two storey, semi-detached and uniformed in appearance and character. Glossop Street is an existing public highway (although in a state of substantial disrepair), and its position in the plot and linear orientation will remain the same as part of the proposed development.

### **Proposal**

Full planning permission is sought for the erection of 95 dwellings with private useable garden areas and associated car parking over the two plots. Whilst geographically separated, there are two red edge lines including both plots of land. This has been submitted under the one application, which is procedurally acceptable. Of these proposed 95 properties there would be 40 affordable homes. The range of properties would be bungalows, 2, 2.5 and 3 storey dwellings. Off-street parking spaces will be provided as part of the development. A combination of metal railing, timber fencing and screen walling will define curtilage and boundaries within the site, alongside tree planting and green landscaping throughout.

The proposed development can be summarised as follows:

- Elton Road (33 homes) – terraced and semi-detached properties, mainly bungalows and two storey houses, except for plots 6-9 which is a 3 storey building. Frontage access is onto Elton Road and Cotton Lane. A new cul-de-sac shared surface road serving 13 properties would be formed as part of the development.
- Glossop Street (62 homes) – new flats, terraced and semi-detached properties would be created. Glossop Street would be re-constructed but follow the same road line. The new homes would have frontage access onto both Glossop Street and Hawthorne Street.

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### **The Elton Road plot**

A total of 33 dwellings would occupy this area of land. Plots 1-9 and 23–26 would front Elton Road and be arranged in a linear form, following the slight curvature in the road. Plots 27-33 would front Cotton Lane and follow the contour of the road. Plots 10-22 would be situated within the interior of this part of the site, off the proposed access cul-de-sac road. Private rear amenity areas would be provided, together with off street parking provision. The proposed access road would be a shared surface structure for vehicles and pedestrians.

- Plots 1-5: The proposed house type is referred to as 'Islington' in the submitted application documents. It is a 2 storey, 3 bedroom property with a pitched roof design and simple but pleasant elevational detailing of stone headers above the windows. Fenestration is placed on both front and rear elevations with blank brick side elevations. Each dwelling would measure approximately 5.9metres in width, 8metres in depth and 8.6metres to ridge height. Plots 1 and 2 are semi-detached, whereas plots 3, 4 and 5 is a small terrace. The private rear gardens vary in size yet all measure approximately 10metres in depth. Each of these plots would benefit from 2 off-street parking spaces, to either the front, side or rear of each dwelling.
- Plots 6-9: This building is shown to be 3 storey in scale and orientated with its principle elevation facing Elton Road. This is effectively 4 dwellings as part of one entire building. Similar architectural detailing of window and door proportions is continued throughout the building, though the white render external finish and roof tile set this apart from the other proposed dwellings. It would be 3 storeys in scale and measure approximately 5.3metres in width by 10.4metres in depth with an overall height of 10.5metres, with a pitched roof design. Numerous windows are shown for the front and side elevations. One off-street parking space is provided for each dwelling and small parcels of individual amenity space surround the building.
- Plots 10-12: The proposal includes this 2 storey small terraced building comprising of 3 individual dwellings. It would be sited to the west of the plot and accessed off the new cul-de-sac road. It is orientated east-west facing, so its main elevation fronts the mews style road. Once again, the architectural detailing is continued as per the other dwellings. It would measure approximately 5.2metres in width, 8.9metres in depth with a total height of 7.9metres, with a pitched roof design. Windows would exist only on the front and rear elevations with the gable elevation remaining blank brick. One off-street parking space is provided for each dwelling. Amenity garden space is provided to the rear with garden depths between 10 and 15metres.
- Plots 13-16: This would be a cluster of 4 homes arranged in a back-to back layout. It would be sited at the head of the cul-de-sac and positioned quite centrally in the overall plot. It would be a 2 storey house with fenestration on the front and side elevations only. The pitched roof design and elevational treatment is replicated. Each dwelling here would have a footprint of approximately 5.9metres by 10.2metres and an overall external height of 8.3metres. One off-street parking space is provided for each dwelling with a small amount of amenity space.

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- Plots 17-19: The proposed layout plan shows these plots to be a small terrace of 2 bedroom bungalows, comprising of 3 individual dwellings. It is positioned within the interior of the plot and sits at a right angle to plots 13-16. Each dwelling would measure approximately 8.3metres wide, by 9.3metres deep and 4.9metres high. The overall footprint of the terrace bungalow would be 24.5metres in width by 9.2metres in depth. It would contain a low eaves height and shallow pitched roof with a centralised gable feature on the front elevation of the building. Windows would be incorporated within the front and rear elevations only. One off-street parking space is provided to the property frontages, with a good size garden area to the rear.
- Plots 20-22: The proposal includes this 2 storey small terraced building comprising of 3 individual dwellings. It would be sited in line with the neighbouring terraced bungalow, immediately adjacent. It is orientated to front the access road. The architectural detailing is continued as per the other dwellings. It would measure approximately 5.2metres in width, 8.9metres in depth with a total height of 7.9metres, with a pitched roof design. Windows would exist only on the front and rear elevations with the gable elevation remaining blank brick. Four off-street parking spaces are provided in total. Amenity garden space is provided to the rear with garden depths of 12metres.
- Plots 23-26: These proposed 4 dwellings are identified as the 'Cadiz' house type (as per the submitted plan drawings). They would front Elton Road and exist quite centrally in their respective plots. The house type is semi-detached and 2 storey with rooms in the roof space, thus dormer windows are shown on the front elevation roof plane. Just the front and rear elevations incorporate glazing, with blank side elevations. The dimensions for each of these dwellings are approximately 4.9metres in width, 8metres in depth and 9.4metres in height. Two off-street parking spaces are provided for each dwelling, with varying sizes of rear garden space.
- Plots 27-33: These dwellings would be sited to front the corner aspect of Cotton Lane along a curvature in the road. All 7 dwellings would be bungalows. Plots 27-29 would be formed by a small terrace of 2 bedroom bungalows, comprising of 3 individual dwellings. It is positioned within the interior of the plot and sits at a right angle to plots 13-16. Each dwelling would measure approximately 8.3metres wide, by 9.3metres deep and 4.9metres high. The overall footprint of the terrace bungalow would be approximately 24.5metres in width by 9.2metres in depth. It would contain a low eaves height and shallow pitched roof with a centralised gable feature on the front elevation. Windows would be incorporated within the front and rear elevations only. Plots 30-33 are 2 blocks of semi-detached bungalows measuring approximately 8.4metres wide by 9.8metres in depth and 5.3metres in height. One off-street parking space is provided to the property frontages, with reasonable sized garden areas to the rear.

### **The Glossop Street plot**

A total of 62 dwellings are proposed for this part of the site at land off Glossop Street. Most of the proposed houses would be laid out in a linear form, parallel to the road. The exception would be the proposed housing blocks at either end of Glossop Street and the proposed dwellings infilling a gap on Elton Road and Crowshaw Street. The

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existing section of road would be completely re-built to an adoptable standard, with a traffic calming block paved feature added to the central section of the highway. New landscaping is proposed along the road frontage as well as on the curtilage boundaries.

- Plots 34-39; 51-54; 67-68; 89-92 and 95 are identified as the 'pim-pod' house type which is a 2.5 storey detached dwelling with an integral garage, off-street parking and private rear amenity space. Each dwelling would measure approximately 5.6metres in width, 8.7metres in depth and 10metres in height. Windows are shown to the front and rear elevations.
- Plots 40-43; 55-56; 81-84; 87-88 would be pairs of semi-detached dwellings labelled as the 'Geneva' house type. It is 2.5 storeys in scale and measure approximately 5.5metres by 8.5metres in footprint and 10.1metres in height. Two off-street parking spaces are provided with private amenity space.
- Plots 44-46; 57-58; 85-86; 94-95-: The proposed house type is referred to as 'Islington' in the submitted application documents. They are 2 storey, 3 bedroom properties with a pitched roof design and simple but pleasant elevational detailing of stone headers above the windows. Fenestration is placed on both front and rear elevations with blank brick side elevations. Each dwelling would measure approximately 5.9metres in width, 8metres in depth and 8.6metres to ridge height. The private rear gardens vary in size yet all measure approximately 10metres in depth. Each of these plots would benefit from 2 off-street parking spaces, to either the front, side or rear of each dwelling.
- Plots 47-50; 78-79: These proposed 4 dwellings are identified as the 'Cadiz' house type (as per the submitted plan drawings). The house type is semi-detached and 2 storey with rooms in the roof space, thus dormer windows are shown on the front elevation roof plane. Just the front and rear elevations incorporate glazing, with blank side elevations. The dimensions for each of these dwellings are approximately 4.9metres in width, 8metres in depth and 9.4metres in height. Two off-street parking spaces are provided for each dwelling, with varying sizes of rear garden space.
- Plots 59-66: These are 3 blocks of semi-detached dwellings shown fronting Elton Road arranged centrally in their plots. Plots 59-62 are two bedroom dwellings, measuring approximately 8.9metres in depth, 5.1metres in width and 7.8metres in height. Plots 63-66 is a 1 bed dwelling measuring approximately 10metres by 5.8metres and 8metres in height.
- Plots 69-74: This building is shown to be 3 storeys in scale and orientated with its principal elevation facing the square junction. This is effectively 6 dwellings as part of one entire building. Similar architectural external detailing of window and door proportions is continued throughout the building, though the white render external finish and roof tile set this apart from the other proposed dwellings. It would be 3 storeys in scale with a pitched roof design. Numerous windows are shown for the front and side elevations. One off-street parking space is provided for each dwelling and small parcels of individual amenity space surround the building.

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- Plot 80: This dwelling is a different house type to the rest of the development and orientated to front the road. Its garden space is positioned to the side of the house. Its access, along with plots 78 and 79, is via a small parking court off Glossop Street..

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

DER/12/06/01971 – Retention of change of use of land to traveller's site. This application was not determined as a subsequent application was made on behalf of the families on Glossop Street, under the code reference stated below. The 2006 application was overtaken by events and whilst it was requested by the LPA for it to be withdrawn, the application was treated as being "finally disposed of" in accordance with Article 25 (11) A of the Town and Country Planning (General Development Procedure) Order 1995.

DER/10/07/01957 – Retention of change of use to land to traveller's site. This application was also "finally disposed of".

No other recent or relevant planning history.

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

#### **5.1. Economic:**

The scheme would provide 95 dwelling houses, of which 40 would be affordable homes (42% proportion). In addition, the development of the site as a whole could generate local employment in construction and related industries. The site is part of the wider 'Osmaston Triangle' regeneration area, of which this application forms part of the phase 1 development. The proposal represents regeneration of previously developed residential land in a sustainable location. Economically, the redevelopment scheme will provide much needed investment in the wider neighbourhood, thereby acting as a catalyst for further regeneration of the Osmaston Triangle. The provision of 95 new homes for local people with options for private ownership, shared ownership and rented accommodation is to be welcomed.

#### **5.2. Design and Community Safety:**

These sites represent the last gap in the urban structure of the Elton Road and Glossop Street built environment. The proposed scheme successfully addresses the built relationship between the new and the existing residential area. What is more, the scheme shows the resulting built form to be appropriate to the existing area and provides housing that reflects the local character, density and orientation. The proposal offers a simple but well designed layout with adequate natural surveillance and clearly defined boundaries of public and private space. Homes and Community Agency sponsored developments normally require compliance with Secure by Design. To ensure the development is tenure blind, safe and secure, as local and national planning policies dictate, then all dwellings should be built to the same Secure by Design standards and to ensure all have the minimum crime resistant physical security standards are built in from the outset.



**5.3. Highways – Development Control:**

The site access details are considered to be acceptable in highway and pedestrian safety terms. The layout seeks to provide two off-street spaces for the majority of properties. The development site is located within a short distance from local facilities and good public transport links. The traffic generated from the development would not have a material impact on the surrounding road network. The Glossop Street site would be completely reconstructed as part of the development. After some negotiation, the new cul-de-sac off Elton Road now complies with Council standards in terms of road geometry, width and visibility splays. Tracking details have been submitted which demonstrate that the layout provides sufficient room for the manoeuvring of refuse vehicles.

**Highways – Land Drainage:**

A drainage statement and flood risk assessment has been provided with the application. The Environment Agency confirms that the Glossop Street site lies within Flood Zone 1 (low probability), the lowest risk of flooding. It is recommended that surface water drainage should be kept to greenfield run-off rates. As new connections will be made to the public sewer network an application to Severn Trent Water will be made in due course.

The Cotton Brook flows in culvert from the Pear Tree area alongside the Rolls Royce works onto Cotton Lane. Consequently, the Elton Road site lies within flood zone 2 and 3 with higher potential for flood risk. Therefore, special mitigation measures may be required for these properties (ground floor to be raised above the adjacent infrastructure / levels designed to fall away towards the existing highway)

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

Access to individual dwelling will be in accordance with Part M of the Building Regulations Act as will internal design. Two of the affordable bungalows plots 32 and 33 are designed to meet 'Lifetime Homes' standards.

**5.5. Other Environmental:**

A dense plantation of young to semi-mature trees currently exists on the Elton Road plot. They are referred to as G22 in the accompanying Arboricultural Report submitted with the application. A mature unmanaged native hedgerow also runs through the Elton Road plot. Derbyshire Wildlife Trust require further investigative work to accurately assess the nature conservation interest associated with the Elton Road plot. The submitted ecological survey is limited in its scope, hence the need for further information. See section 10 of the report.

There is evidence of some ground contamination along the Glossop Street section of the site, as detailed in the accompanying 'OPUS' report submitted with the application. The existence of rogue materials and other pollutants can be overcome by carrying out suitable land contamination works. It is therefore recommended that this is controlled via a suitably worded condition.

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|  |   |  |     |
|--|---|--|-----|
| Neighbour Notification Letter          | 93  | Site Notice                                | yes |
| Statutory Press Advert and Site Notice | yes   | Discretionary Press Advert and Site Notice |     |
| Other                                  | Extensive pre-application consultation between Strata Homes, Derby Homes and OSCAR. |  |     |

*This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.*

**7. Representations:**

One letter of comment has been received and no other third party correspondence. The main points raised are: timing of neighbour letters sent over the Christmas period; inadequacy of internal room sizes and use of rooms in the roofspace.

*Copies of all the representations are available to view on the Council's eplanning service:- [www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*

**8. Consultations:****8.1. Environmental Services-Trees:**

No comments received.

**8.2. Environmental Services- Pollution:**

Due to the sensitive nature of the development for residential dwellings, it is recommend that conditions are attached to any permission requiring a phase 1 and 2 desk study. The development is not within a designated Air Quality Management Area (AQMA), however as the area is close enough to a AQMA (Osmaston) and could still be a contributing factor to air quality in that area, a Scoping Assessment (DMRB) is recommended.

**8.3. Environment Agency:**

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons: The FRA/drainage strategy submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore; provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to consider how an adequate surface water drainage scheme for the development can be achieved.

**8.4. Derbyshire Wildlife Trust:**

The following comments are aimed at providing accurate and up to date information on the nature conservation issues associated with the proposed development. The application seeks permission for the residential development of two areas of land separated by Elton Road. For ease of reference the areas are referred to as the northern plot and the southern plot. We have considered the relevant documents submitted as part of the planning application. The southern plot was identified to comprise rank grassland and

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developing bramble scrub on an area of former housing which was demolished some time ago and more recently used as an informal traveller's campsite. We would advise that there are unlikely to be any ecological constraints associated with development of the southern plot provided that no site clearance work is undertaken between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

However, we are not confident that this is the case for the northern plot. We are aware of the presence of a mature unmanaged native hedgerow along the fence line through the centre of the northern plot together with an area of immature woodland and dense scrub. The Arboricultural Report also refers to the presence of a dense semi-mature mixed species plantation and the Landscape Masterplan drawing no. R-1401-1 and the Site Layout Drawing No. SK01 Revision G also shows a significant area of tree removal. The section of mature hedgerow is likely to meet the definition for UK priority habitat. We would advise that the above habitats are not represented within the Ecological Appraisal. Furthermore, we are of the view that it is not possible to obtain an accurate assessment of the botanical composition of the site from a survey visit undertaken on 29<sup>th</sup> November. We are aware of the results of a survey of the site conducted by FPCR in July 2009 in relation to the application DER/08/09/00909/PRI which identified the presence of an area of grassland on the site with an unusually diverse flora including 13 local wildlife site grassland selection species. It is possible that this area of the site was not accessed as part of the current survey due to the presence of security fencing and dense bramble.

We are also aware of the creation of a pond on this area of the site in 1987 as part of the formation of a wildlife area. A study of the site in 2003 concluded that all attempts should be made to protect the wildlife area and the FPCR report recommended the retention of the wildlife area and its positive management as part of greenspace provision. Whilst it may be that the pond is no longer functional and the grassland interest may have degraded due to lack of management we would require confirmation to this effect as part of a further assessment. The report has identified the site has some potential to support reptiles. Given the undisturbed nature of the site, the presence of suitable habitat and nearby records for slow worm and common lizard we would advise that a targeted reptile survey should be carried out. The Trust also pointed out the potential for reptiles to be present and that pre-application survey work for this area should consider potential reptile populations in the report to Derby City Council Planning Services dated September 2011 prepared by Nick Law in relation to the development of future growth and housing areas.

Slow worm and common lizard are protected from intentional injury or killing under the Wildlife and Countryside Act and are also UK priority species. The presence of a protected species is a material consideration in the planning process. The ODPM Circular 06/2005 on Biodiversity and Geological

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Conservation states within paragraph 98 that *“the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat and Paragraph 99 states “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established **before** planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.”*

In summary, we would advise that from the information provided in the Ecological Appraisal it is not possible to accurately assess the nature conservation interest associated with the northern plot. We would advise that a further assessment of the site is required at the appropriate time of year to fully identify the botanical interest associated with the site with the provision of a complete vascular plant species list together with the undertaking of a targeted reptile survey to determine the presence or otherwise of reptiles on the site. Notwithstanding the above issues, the survey has identified that the trees and scrub provide suitable foraging habitat for bats and nesting habitat for birds. As submitted we are of the view that the current proposal will result in a net loss of biodiversity and fails to achieve a net gain for nature as required by the NPPF in pursuance of sustainable development. The retention of the semi-natural habitats associated with the northern plot as part of green space provision associated with the development of the southern plot and the positive management of the site for wildlife would provide a meaningful net gain for nature and represent a contribution to the achievement of sustainable development.

### **8.5. Police Liaison Officer:**

This layout has good natural surveillance opportunities and defensible space in the form of reasonable size individual setbacks from the street edge, essential for security and privacy and to engage residents with an active street frontage in which they control semi private space and will give greater guardianship to the public space beyond, a successful crime prevention through environmental design strategy. Vertical demarcation treatments, as advised in Building for Life 2012 are indicated, which is commendable. My concern is with the access to the rear for the three dwelling bungalow and terrace style house type. A myriad of un-sustainable, high maintenance, close-boarded fencing is proposed with presumably robustly gated access points. Space is available to either build with double and single units with safe and secure access between or a house type used with a “Ginnet” through the building line to totally remove this problem, remove easy criminal access to the rear of all dwellings and give greater guardianship for the lifetime of the development. Plot 66 has green space at the side for safe rear access and the complicated rear footpath should preferably not be used to simply connect to a parking space the resident cannot see or control anyway.

Unfortunately, it is a common issue where standard house types are designed into a layout and rear access is an afterthought. I can see the reason that

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communal use has been avoided but starting these paths in the middle of a double driveway (plots 27-29) or away from a dwelling side (77) also removes ownership and guardianship and who will maintain these fence lines within another's boundary, could cause many later problems including that of maintenance. Blank gables should also be avoided if possible. If the developer does not have a suitable house type amendment of single and double units or could not make a change to an existing house type to completely solve this issue then all fencing should be robust in construction and 2m in height, with robust gates, un-climbable and key lockable from both sides. Homes and Community Agency sponsored developments normally require compliance with Secure by Design. To ensure the development is tenure blind, safe and secure, as local and national planning policies dictate, then all dwellings should be built to the same Secure by Design standards and to ensure all have the minimum crime resistant physical security standards built in from the outset.

### **8.6. Plans and Policies:**

No objections to the proposal.

### **8.7. Land Drainage:**

The application form indicates and drainage plans that the surface water drainage is to be direct main sewers and the area is 2.2 ha. The NPPF at 103 and its TG in Table 1 state that such a large area needs to be accompanied with an SFRA and the drainage is not in accordance with the requirements of those documents in that it appears that there may be a flood risk increase and there is no increase in the quality of water discharged by the use of sustainable drainage systems.

### **8.8. Urban Design:**

- The tree-lined rationale is still weak along Glossop St as areas such as plots fronts at 42-46 and 86-87 have no trees, leaving a gap in the rhythm. The planning statement refers to the characteristics of tree lined streets being reinforced in this development. Trees should be positioned in tree pits within the hard areas of parking to maintain consistency, and a single small trees species used to that effect, rather than the inappropriate list given on the Landscape Drawings;
- Page 11 of the planning statement shows the surrounding street with much consistency of materials/colours, but a mix of gable-fronted and side-gabled properties. It is suggested that, in order to respond to this context and to improve the language of a mix of different house types, a single roof material is used; there is no reasoning offered as to the mix of three different wall and roof palettes throughout the scheme;
- Where there are boundary treatments between properties which are set back behind the frontage of the dwellings, e.g. 40-41, it is recommended that the house types have windows relating to habitable rooms overlooking this space. Alternatively, the front boundary should come forward and a gated/fenced vehicular boundary should define private space to the rear;
- All frontages along Glossop Street should have the railing treatment; there is too much railing into the semi private space of the Elton Road

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properties; this gives mixed messages about the railings signalling defensible semi private space relating to the streetscape;

- Where timber fencing is shown on prominent corners such as side of plots 36 and 96, brick would be a smarter and longer-lasting design on the street corners; a legible approach would be to continue the steel as a "frontage to the street approach" and use a low timber wall with piers with railings in between;
- For house type on AH4 drawing, the ghost windows should be removed on the first floor, and there are no windows to the most habitable living space - could the internal layout be altered so that living space with windows face outwards, when the bungalows are adjoining?
- For Islington house type, there are no windows on the side elevations, which would benefit natural surveillance of on-lot parking areas such as on plots 44-46;
- The block paved area into the semi-private area off Elton Road does not extend far enough and reinforces the highways dominance of what should read as a shared pedestrian/vehicular space through it's layout as a turning head. The footpath around this is also confusing as it doesn't extend to the furthest properties; a single approach to all paving here would be more legible, if necessary to defined ownership. A reddish block colour could extend to denote the highway boundary and a harmonising red/brindle (for example) taken into all the courtyard area. A simple palette will be easier to maintain and assist in lowering vehicle speeds by not giving the message that cars should be dominant in this shared area; the language of the materials will also signal that this is not a through route but access only to a cluster of properties.

### **8.9. Highways DC:**

The following comments are made in reference to Drawing No. 975 – 1 Rev B and SK01 Rev I. The proposal is located in the residential area of Sinfin. The proposed application has two areas, one undeveloped and the other has a previous use of residential that was demolished several years ago. The design of the development allows for reasonable off-street parking provision on individual plots and within dwelling curtilages. Cycle storage should be considered which provides residents with an area for bicycles which can be utilised as an alternative mode of transport. There is a local bus route in close proximity to the development which would provide transport for residents of the proposal.

## **9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.***

|     |                        |
|-----|------------------------|
| E4  | Nature Conservation    |
| E5  | Biodiversity           |
| E7  | Protection of Habitats |
| E9  | Trees                  |
| E10 | Renewable Energy       |
| E13 | Contaminated Land      |
| E23 | Design                 |

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|     |   |
|-----|---|
| E24 | Community Safety                                  |
| GD1 | Social Inclusion                                  |
| GD3 | Flood Protection                                  |
| GD4 | Design and the Urban Environment                  |
| GD5 | Amenity   |
| GD7 | Comprehensive Development                         |
| GD8 | Infrastructure                                    |
| H3  | Redevelopment Sites                               |
| H11 | Affordable Housing                                |
| H12 | Lifetimes Homes                                   |
| H13 | Residential Development – General Criteria        |
| L2  | Public Open Space Standards                       |
| L3  | Public Open Space Requirements in New Development |
| T1  | Transport Implications of New Development         |
| T4  | Access, Parking and Servicing                     |
| T6  | Provision for Pedestrians                         |
| T7  | Provision for Cyclists                            |
| T10 | Access for Disabled People                        |

*The NPPF is a material consideration and supersedes the earlier PPG's and PPS's*

*The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.*

### **10. Officer Opinion:**

The principle of a large scale residential development has previously been established through the Local Plan process as the site is formally allocated under saved Policy H3a. This policy promotes residential development with a minimum of 40 dwellings on 2.7 hectares. The proposal for 95 dwellings, is therefore, in line with the intentions of this policy. The site is also identified as suitable brownfield land for housing development site within the City Council's Preferred Growth Strategy which is currently out for public consultation. Some limited weight can be given to this document in the determination of this application. A proposal of this type and size would normally give rise to a requirement for inputs covered by a Section 106 Agreement. But, because there were previous dwellings on the sites, the threshold trigger for a Section 106 Agreement is a population total of 230 persons or more. In fact the population number expected over the two sites is approximately 210. What is more, the proposed scheme already covers a number of the normal requirements, including affordable housing and lifetime homes. Therefore, there is no requirement for a Section 106 Agreement as part of this planning application.

The development also accords with certain elements of the National Planning Policy Framework (NPPF). Section 6 of the NPPF, clarifies the Government's objective of boosting the supply of housing. In it, it states that housing applications should be considered in context of the presumption in favour of sustainable development. Elsewhere, the Framework encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. In addition, emphasis is given to 'deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable,

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inclusive and mixed communities'. From these policy objectives and the nature of the application proposal there is complete compatibility. Therefore the principle of the proposed development is, in my opinion, entirely acceptable against both local and national planning policy.

### **Regeneration of the Osmaston Triangle**

The application sites are within an area of land informally known as the 'Osmaston Triangle'. It is useful to briefly touch upon the wider context to understand how this proposed scheme fits in with the broader regeneration objectives of the locality. In essence, the vacating of the Rolls Royce sites in this locale provides a major opportunity to deliver transformational change within the area. Indeed, the overall aim of the regeneration of Osmaston is to re-invigorate the surrounding residential neighbourhood through diversifying housing, improving the local environment and making improved connections to the wider area. This is recognised in a range of development options and wider renewal objectives considered in the '*Osmaston Indicative Masterplan*' (2008) and more recently the '*Derby Housing Market Area Local Delivery Plan*'. Instrumental in forming the Local Delivery Plan Part is a local residents group, OSCAR (The Osmaston Community Association of Residents) in conjunction with Derby Homes, Rolls-Royce and a central government regeneration agency to shape the delivery and implementation of developmental change in this part of Osmaston.

It is in this context that the proposed scheme will form part of the phase 1 development and act as a further catalyst to the wider renewal of the Osmaston neighbourhood. Crucially, OSCAR has been successful in its community led funding bid to the Homes and Communities Agency, thus the public funding attracted into the scheme is fundamental to the viability of the development as a whole. Much collaborative pre-application work has been undertaken, very successfully, between the Council's planning and regeneration departments, Derby Homes, OSCAR representatives and the developer. Consequently, this full planning application reflects the aspirations of the local community and the broader objectives of the Council, Derby Homes and the developer to deliver a mix of house types and tenures to meet a wide range of housing needs. Furthermore, the diversity of housing requirements has significantly influenced why the proposed development incorporates a range of dwelling houses, clusterhomes, apartments and bungalows within the site areas.

### **Design, scale, layout and residential amenity**

These two sites represent a significant gap in the urban structure of the Elton Road and Glossop Street urban environment. The proposed development will address that by completing this part of the urban fabric with an appropriate building form and a development density of 42 dwellings per hectare, which reflects the pattern of existing housing in the surrounding locality.

#### **Elton Road plot**

The Elton Road plot has a block of 5 buildings fronting the highway which continues the established pattern of housing on this side of Elton Road. Their position, set back and distance from one another also reflects the existing street character. In terms of the architectural design of dwellings 1-26 they do present a distinct difference to other surrounding houses. This is most evident in their pitched roof design, type of external materials and simple elevational treatment.



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In addition, plots 6-9 would be a 3 storey apartment block adjacent to the proposed access road. Whilst the scale of this building would be atypical and slightly at odds with the scale of nearby properties, a single 3 storey building appropriately sited can act as 'statement' or 'gateway' building into the scheme: this building will do exactly that. Overall, the streetscape created at this part of the site would integrate well into the existing housing context.

The interior of the site would be formed of bungalows and 2 storey dwellings arranged around the cul-de-sac. The building orientation is somewhat inward looking and certainly maximises the available space. Yet, the principal elevations, position of windows and built relationship between plots 10-22 is reasonable in its design and layout. As for the perimeter dwellings along the corner aspect of Cotton Lane they would assimilate well, presenting a new frontage along this vacant section of land. They too offer a mix of house types, and their design and layout is entirely acceptable. In amenity terms, this part of the development would offer acceptable standards of privacy and massing both within the site and beyond the boundaries of the site. Indeed, the rear aspects of the nearest dwellings No's 123 to 137 Cotton Lane would not be unduly overlooked or suffer any massing affects, nor would the existing dwellings at No 6 and No 20 Elton Road.

### **Glossop Street plot**

The Glossop Street site shows a built form that is appropriate to the existing area with dwellings set back, reflecting the existing street character. There is a suitable building orientation, following the line of the road, to reduce the impact of the development. The block pattern of buildings within the main body of Glossop Street logically follows the line of the road with principal elevations facing the street, thereby creating active frontages. By orientating the buildings in such a way the resulting rear garden space and grass/drive frontage is particularly generous. Indeed, the layout here is very similar to the housing which previously occupied the land - the exception being the blocks of dwellings at the northern and southern end of the street and plots 78, 79 and 80. Here, is where it will be most evident how the proposed building styles of the development would juxtapose with the domestic architecture of the existing dwellings. With regard to the northern end, plots 34-36 and 93-95 can be seen in 'street scene sheet 3' (drawing number 2012-244-03). Their respective positions and built relationship beyond the site boundaries is felt to be quite acceptable in urban design terms. For, a new building type and style is needed here to act as a suitable gateway to the development. What is more, by themselves these plots would be a design oddity but they reference the proposed new streetscape very well, as these house types are found along the 'new' Glossop Street. Plot 93 sits comfortably against the existing dwelling at No.104 Abingdon Street with no undue amenity impacts upon that neighbouring property. Likewise, plot 34 would reside acceptably against the side curtilage of No110 Hawthorn Avenue.

With regard to plots 78, 79 and 80 they are sited differently to the remainder of the street. This is because of the built proximity and principal window separation distance to the rear aspects of a 2 storey block of flats (No's 11-18) on Witney Close. Subsequently, the layout of these 3 plots is purposeful and entirely justified. Plot 80 would actually front the street, with a blank rear elevation facing

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the side of house 79. Nevertheless, the slight protrusion of house number 80 beyond the building line of this part of the proposed street would not disrupt the pleasing built rhythm along here. Turning to the 3 storey apartment block at the corner of the site, this would actually be a 6 dwelling property. The angle of it reflects the angle of existing houses at this junction with Crowshaw Street, which is welcomed. In visual terms, obviously a 3 storey building here with a footprint such as this would contrast markedly with the 2 storey scale of the domestic housing in this locality. The differences are also in the vernacular, roof design, window proportions and overall external appearance of this corner building. Yet, it is appropriately sited because of its corner 'entrance' position, rather than existing in amongst the main body of Glossop Street, and taken as a whole the differences described above can act as 'statement' or 'gateway' building into the scheme: this apartment block would be precisely that. It is also important to recognise that because of the overall building volume, land area and scale of development introducing a diversity of house types and styles is an acceptable approach to creating this new part of the street.

When considering plots 67 and 68, adjacent to No. 1 Crowshaw Street these two dwellings would also sit comfortably both in the street context and to the adjoining dwelling, No. 1 Crowshaw Street. Indeed, the separation distance and the side elevation of plot 67 would not cause any harm to the amenities of those residents. In terms of plots 59-66, these 3 blocks of semi-detached dwellings would complete the gap in the current urban form and restore the visual coherence of the streetscape. Although the design and visual appearance differs to the existing housing typology found along this part of Elton Road, it does correspond to the existing building line of dwellings and some architectural diversity could positively contribute to an otherwise regimented row of hipped roof semi-detached dwellings. In addition, some 100metres immediately north of the site stands a group of newly built dwellings, which also exude a contemporary and distinctive architectural form and appearance. Thus, taking into consideration such factors, I believe plots 59-66 could harmoniously settle within the existing street scene. In so far as the physical impact of these dwellings upon No's 59 and 73 Elton Road, the separation distances and position of windows would not cause any overlooking or massing issues. The same applies to the rear aspects of proposed plots 54-58 along Glossop Street.

The application is accompanied by a "Building for Life 12" (BFL 12) assessment. This national guidance is the industry standard, endorsed by Government, for well -designed homes and neighbourhoods. It is a practical toolkit for ensuring 'quality' in urban design for new residential development. The proposed development scores relatively well against the BFL12 guidance by achieving a number of 'green positives' rather than 'red negatives'.

Finally, these sites represent the last gap in the urban structure of the Elton Road and Glossop Street built environment. The proposed scheme successfully addresses the built relationship between the new and the existing residential area. What is more, the scheme shows the resulting built form to be appropriate to the existing area and provides housing that reflects the local character, density and orientation. The proposal offers a simple but well thought layout with adequate natural surveillance and clearly defined boundaries of public and

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private space. The proposal is considered to comply with the requirements of policies E23, GD4, GD7, H3, H11, H12 and H13 of the CDLPR in all respects.

### **Highways, access and parking**

The proposed development utilises the existing road layout of Glossop Street. The existing section of road would be completely re-built to an adoptable standard, with a raised traffic calming block paved feature added to the central section of the highway. A new turning area at the head of the cul-de-sac will facilitate the turning of refuse vehicles and other vehicles. In terms of parking provision, one off-street parking space is provided for 1 and 2 bedroom properties and two off-street spaces are provided for properties with 3 or more bedrooms. This is entirely acceptable against the Local Plan Parking Standards.

A new access road would be created off Elton Road as part of the application proposal. A total of 33 dwellings would be served by this proposed access road and the layout seeks to provide two off-street spaces for the majority of properties. Overall, the internal layout is satisfactory in terms of highway dimensions and the provision of adequate manoeuvring space. The visibility splays and access details from Elton Road are also satisfactory. The City Council's Highways Officer has raised no objections to the scheme, as per site layout plan revision J, on highway safety grounds. When taking the cumulative traffic impact of both applications sites upon the surrounding road network, the proposal would result in an increase in traffic coming and going from the site, over and above the current levels. However, and in accordance with the submitted Transport Assessment, it is not considered that this increase would result in an adverse highway safety issues for the local highway network in terms of traffic flows and congestion. Furthermore, the combination offered by public transport and the close proximity of local amenities means the site has merits in terms of sustainability and minimising the over reliance on the use of private car. The proposal is considered to comply with the requirements of policies, T1 and T4 of the CDLPR in all respects.

### **Flood risk and drainage**

The sites geological make up consists of Mudstone and so the sustainable urban drainage techniques for the new development will not be by means of infiltration. Instead, a positive drainage system will be used. A Flood Risk Assessment (FRA) and Drainage Statement accompany the application. The Environment Agency confirms that the Glossop Street site lies within Flood Zone 1 'low probability' which is the lowest flood risk category. They also state that there is no record of historic flooding at the site location. However, this does not translate to the area being free from a risk of flooding. Furthermore, the Environment Agency flood map shows the route of a main river, culverted, running along Cotton Lane and onto Elton Road. Because of this, the Elton Road plot falls within flood zones 2 and 3 (medium to high flood risk). Because of this, special mitigation measures should be applied to those proposed dwellings off Elton Road. The developer has agreed to raise the finished ground floor level of the new buildings by 300mm above existing floor levels wherever practical and feasible. The applicant has appropriately addressed the issue of flood risk from external sources and has correctly allowed for the issue of climate change.

On flood risk grounds, the Environment Agency has not removed their objection, at the time of writing In respect of the 2 bullet points highlighted in their consult

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response, clarification has been given to the EA on the status of the land being “brownfield” and for water run off flows to be measured against the brownfield nature of the site. In addition, the water quality run off on downstream areas is currently being clarified and it is expected to be agreed, in terms of negligible consequences. Thus, confirmation that the proposed development is acceptable subject to the flood risk management measures as detailed in the submitted Flood Risk Assessment is still required. Members will be furnished with updated Environment Agency comments as soon as they materialise. Whilst, an Environment Agency objection is not ideal, it is felt an agreeable engineering solution to mitigate flood risk and drainage matters is possible. The Council is working toward the scheme being compliant with Local Plan Policy GD3 (Flood Protection) of the CDLPR and the relevant section of the NPPF.

### **Trees**

Both sites contain trees, yet the Elton Road plot is more significant in this respect. From assessing the submitted Arboricultural Report and undertaking a site inspection it is clear to see that the Glossop Street plot contains few trees. Those that do exist, do so at the peripheral edge of the site - most will be removed as part of the proposed development. Tree 18 is identified as an Ash tree which is sited on a grass verge between the highway and footpath between No's 58 and 73 Elton Road. It is a visually important tree and the layout plan shows plots 65 and 66 to be built directly opposite T18. They would be 12metres from the trunk of the tree and outside both the root protection area and the canopy spread. Tree 9 is an early mature silver birch and tree 10 is a semi-mature cherry. Both are located toward the eastern side of the site and are of very minimal visual amenity value. Trees 3 and 4 are approximately 5metre high cherry trees positioned adjacent to Hawthorn Street on the northern part of the site. Their removal would not be a significant loss to the amenity of the site.

With regard to the Elton Road site, the Ash trees running parallel to Elton Road itself would remain un-interrupted, subject to tree protection measures, except for one Ash tree - sited opposite No 17 Elton Road. Its loss is a necessity for the proposed access road to be built. Whilst regrettable, the precise position and geometry of the access road has been carefully examined and agreed by all parties. In this instance, the loss of the single Ash tree is justifiable. However, the interior of the Elton Road plot is made of a triangular section of land with a dense plantation of mixed young and semi-mature trees and a mature hedgerow within it. The tree species include Field Maple, Oak, Holly, Hawthorn and Ash. No individual tree is covered by a Tree Preservation Order (TPO), nor is the group covered by a TPO. This part of the site is identified – but not designated - as a wildlife habitat. The submitted layout plan shows the entire removal of all trees in this part of the site to accommodate 15 dwellings. Whilst this parcel of trees presents some greenery in an otherwise urban locality, the appreciable visual quality of the trees is mostly evident from the rear of properties along Cotton Lane. Wider views of the trees are likely from properties along Elton Road. On balance, the visual loss of the trees probably could be accepted, but the biodiversity implications associated with their loss is a different matter. This issue is discussed below.

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### **Ecology**

As stated previously the interior of the Elton Road plot is made of a triangular section of land with a dense plantation of mixed young and semi-mature trees, scrub, grassland and vegetation within it. The tree species include Field Maple, Oak, Holly, Hawthorn and Ash. A mature hedgerow also runs through this wooded area. This part of the site is identified – but not designated - as a wildlife habitat. The proposal constitutes the entire development of the Elton Road plot which would mean the entire clearing and loss of all vegetation within this site.

An Ecological Survey has been submitted with the application. As part of the consultation process Derbyshire Wildlife Trust (DWT) commented on the proposed scheme (see section 8.4). They advise that there are unlikely to be any ecological constraints associated with the development of the Glossop Street plot. However, the Elton Road plot is more significant in terms of its potential nature conservation value. Indeed, DWT highlight the potential presence of reptiles on the site and the presence of an area of grassland with an unusually diverse flora. Unfortunately, DWT advise that from the information provided in the submitted Ecological Appraisal it is not possible to accurately assess the nature conservation interest associated with the Elton Road plot. Therefore, a further assessment of the site is required at the appropriate time of year to fully identify the botanical interest associated with the site and to undertake a targeted reptile survey and bat habitat survey to determine the presence or otherwise of reptiles and bats on the site.

There is of course scope to apply strictly worded conditions so that if protected species are found to exist then off-site mitigation could be introduced, i.e. the developer would need to find an alternative site to which to transfer any reptiles or to re-create/translocate any grassland interest. If such a scenario occurs any identified interest would not be able to be destroyed or moved until the alternative site had been agreed by the Local Planning Authority and Derbyshire Wildlife Trust.

Clearly, Members need to be satisfied that the proposal does not have an unacceptable direct or indirect impact on any protected species or habitats that may exist within or near to the sites. Ideally, the biodiversity issue could be concluded one way or the other by having up to date and complete ecological information before determining the planning application. However, the Homes and Communities Agency (HCA) have stipulated a strict and absolute deadline to which a valid planning permission for both plots must be in place. That date is 31<sup>st</sup> March 2013. Such a point is absolutely crucial, as the funding provided by the HCA will effectively allow the affordable dwellings element of the scheme to be built and completed. So, it is vital Members are fully aware that to defer this application, to allow for further investigative ecological surveys, would significantly jeopardise the HCA funding, meaning the scheme would, in all likelihood, not be built.

For clarity the issue of protected species and government advice for the consideration of protected species in the decision making process is repeated below for Members consideration.

The ODPM Circular 06/2005 on Biodiversity and Geological Conservation states within paragraph 98 that *“the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat and*

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Paragraph 99 states *"it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established **before** planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. **The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.**"*

As decision makers a balanced judgement is needed here. In my opinion it is reasonable and proportionate to assess the ecological value of the Elton Road site at a later stage. The issue of HCA funding is, in my opinion, a fundamental consideration in this case and the use of planning conditions to address the concerns of DWT accords with the guidance highlighted in bold above. I consider that the community lead regeneration benefits of this proposal, which will hopefully kick start the wider regeneration aspirations for the Osmaston triangle, are highly material considerations which should be afforded a substantial amount of weight. As such, I consider that the chosen course of action is entirely reasonable. I can assure Members that if granted planning permission, conditions requiring suitable mitigation can be imposed to ensure that the proposals minimise the disturbance and facilitates the retention/survival of the nature conservation interest and/or protected species on site.

### **Air Quality and Land Contamination Issues**

The application sites are *not* located within any Air Quality Management Area (AQMA), yet it is in proximity to the Osmaston AQMA. While the proposed development is expected to increase traffic movements into and out of the sites, consideration must be given to the historic and present industrial operations nearby and previous housing that once existed on both sites. Based on the above, the overall impact on air pollution levels is likely to be negligible and is likely to be insignificant with any increase in particulate matter levels as a result of the proposed development. Overall, it is considered that the development would be in line with the requirements of Policy E12 (Pollution) of the CDLPR.

An environmental assessment has been submitted with the application. The report presents the findings of the following investigation works carried out on the two application plots: ground gas monitoring; groundwater quality assessment; geological investigation. There is a high probability of contamination to be present as the Glossop Street site has above and below ground deposits of various waste materials. These have been identified and can be addressed through further investigation, and controlled through appropriate planning conditions. The Environmental Health Officer accepts these findings and, subject to appropriate conditions, raises no objections.

### **Conclusion**

In summary, the planning application demonstrates that the proposed redevelopment will be a sustainable development, in a sustainable location, close to public transport routes and a range of services and facilities, including local schools. The scheme has *significant* regenerative benefits – physically, socially and economically. It will deliver much needed affordable housing - 42% of the dwellings - and market houses which meet the needs of the local area. The housing mix is the result of positive pre-application discussions with the developer, Derby Homes and the requirements of local residents. It will create a high quality residential environment which respects the character of the Osmaston neighbourhood. It responds positively and sympathetically

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to its built and environmental context and the character and appearance of the surrounding area. It presents no technical constraints which are not capable of being addressed by condition. The proposed redevelopment is compliant with national planning policy and relevant policies of the local plan review, subject to adherence to applied planning conditions, and therefore a recommendation to grant conditional planning permission is given.

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

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

#### **11.2. Summary of reasons:**

The proposal has been considered against The National Planning Policy Framework, the policies contained within The Adopted City of Derby Local Plan Review, and all other material considerations as summarised at 9 above. The application site is located within a sustainable location which is accessible to a variety of modes of transport and would form a sustainable urban development to the City of Derby. The provision of up to 95 dwellings would contribute towards the City's future housing supply, and subject to the imposition of appropriate planning conditions it is considered that this proposal offers an appropriate redevelopment scheme for the sites.

#### **11.3. Conditions:**

1. Condition requiring Ecological Mitigation Measures to be submitted
2. Condition requiring the submission of an Ecological Management Plan
3. Contaminated land condition requiring the submission of a phase I site investigation, detailed investigation report, remediation method statement prior to commencement of development and a final validation report once development is completed.
4. Condition requiring the submission of details of foul and surface water schemes
5. Condition requiring details the submission of a scheme for the management and maintenance of new and existing planting
6. Travel plan condition
7. Approved plans condition
8. Condition requiring tree protection measures
9. Condition requiring on site cycle storage
10. Condition requiring all materials / landscaping to be carried out in accordance with submitted plan drawings.
11. Time limit condition

#### **11.4. Reasons:**

1. To protect the natural environment and biodiversity – Policies GD2, E5 and E7
2. To protect the natural environment and biodiversity – Policies GD2, E5 and E7

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3. In order to safeguard human health and the water environment.....policy E13
4. To prevent increased risk of flooding, improve and protect water quality and improve habitat and ensure future maintenance of surface water drainage systems...policy GD3
5. To protect the natural environment and biodiversity – Policies GD2, E5 and E7
6. To promote sustainable modes of transport....Policies T4 and T8
7. For the avoidance of doubt
8. To protect existing trees affected by the development – Policy E9
9. To promote sustainable modes of transport.....Policies T4 and T8
10. For the avoidance of doubt.
11. Time limit reason

**11.5. Application timescale:**

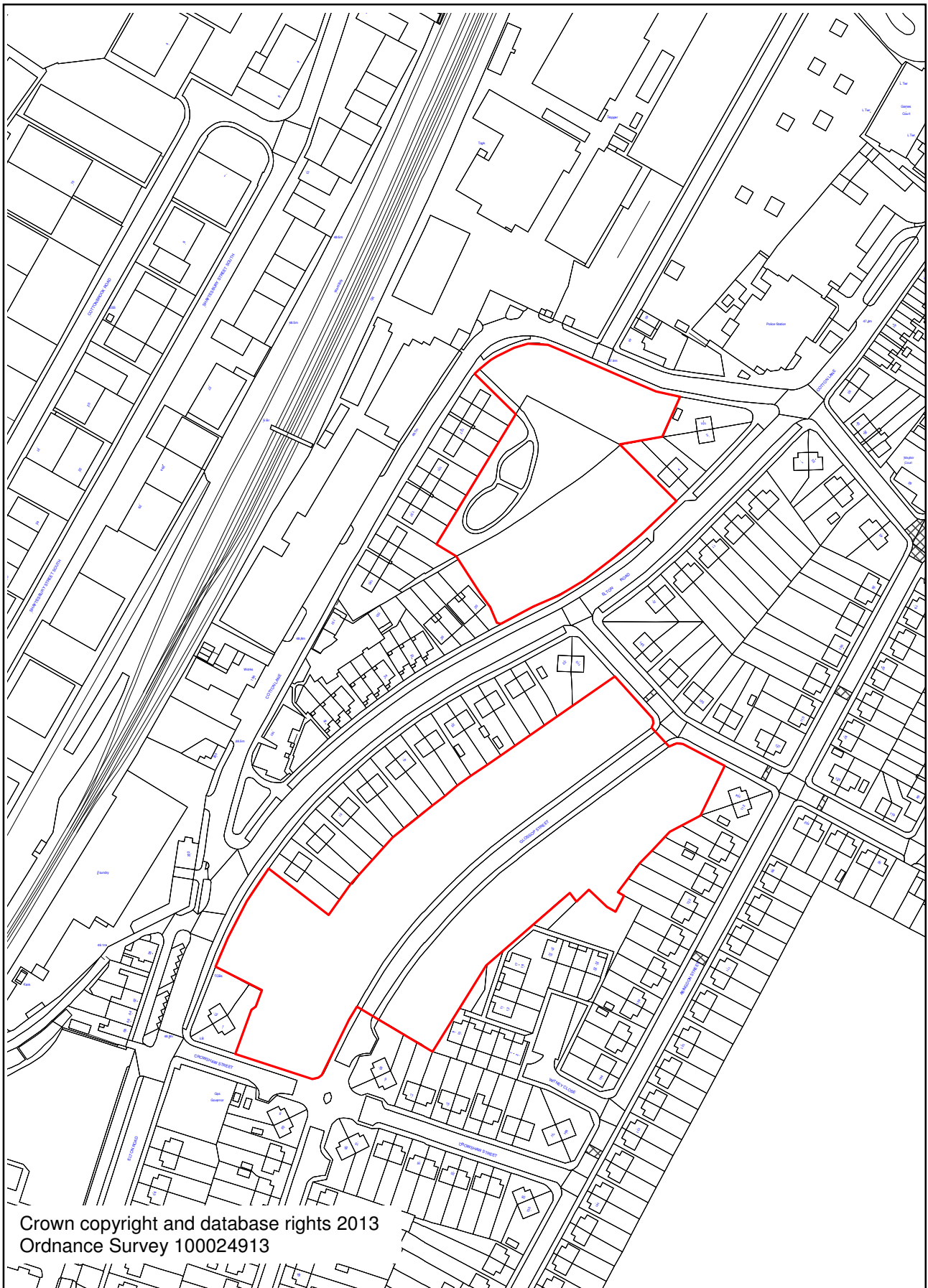
This is a 'major' application with a 13 week target date for determination on or before 18<sup>th</sup> March 2013.



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**Type:** Full



## **Committee Report Item No: 5**

**Application No:** DER/10/12/01240

**Type:** Full

1. **Address:** Land west of Manor Park Way
2. **Proposal:**  
Erection of 100 dwelling houses (Manor Kingsway Phase 1)

3. **Description:**

**Site Context**

Some Members may recall the outline planning permission for the wider Manor Kingsway site which was brought before committee in June of last year. The full site comprises of 51 hectares previously owned by the Derby Mental Health Trust, formerly the Manor Kingsway Hospital. The site is an island site bounded by the existing highway of the A38 and the A5111; the rear gardens of those properties fronting the A516 Uttoxeter New Road abut the site to the south-east.

Outline planning permission, under code no. DER/07/08/01081, has a resolution to grant planning permission subject to the completion of the Section 106 Agreement, for Residential Development (700 Dwellings), erection of offices (Use Class B1), retail units (Use Classes A1, A2 and A3), business units and associated infrastructure (roads, footpaths, open space and allotments) which should be carried out in accordance with the parameters plan, Drawing No. 80216 sk\_048 revision C.

Whilst this application is a full planning application it is still considered to be the first of a series of applications, which are likely to be brought forward as reserved matters applications that will see the redevelopment of the Manor Kingsway site. The application has been brought forward as a full application in order to allow the developer to commence on site within a shorter time frame than that currently attached to the wider site, due to the outstanding Section 106 agreement.

**Masterplan Evolution**

The submission forms part of a much wider development project and as such has been designed under a masterplan rather than a series of piecemeal developments that may or may not integrate upon completion. The masterplan has sought to enhance and preserve existing landscaping features such as the tree lined avenues and crescent along with the creation of character areas and connections to the various phases and public open spaces. The masterplan positively responds to the amended parameters plan and the OPUN Design Review creating fundamental principles, a street pattern which is orthogonal to the south of the site and radial to the north following the curvature of the crescent. The masterplan provides the basis for which the parcels of reserved matter applications are drawn. This current application is the first of these applications as it benefits from an independent vehicular access. The design and access statement Revision B provides a clear rationale for the master planning of the wider site.

**Current Proposal**

The application site is located to the southeast of the master plan and will comprise of 100 dwellings served off a single point of vehicular access with two points of pedestrian and cycle access providing connections to the wider site and Uttoxeter New Road within an area of 2.37 hectares. Public open space is provided in the form of a triangular wedge with formalised play and an attenuation pond which links to the swales located on Streets 12b and 12f. Their purpose is to control the flow of water across the site.

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There is a mix of housing consisting of 1 x 2 bedroomed flat over garage (fog) and 99 houses comprising of 2, 3 and 4 bed accommodation over two, 2 and a half and three storey properties. Each plot benefits from off-street parking, either on plot or within the shared surfaces (streets 12b and 12e) and lockable cycle storage. 1 and 2 bedroomed properties have 1 car parking space and properties consisting of 3 and 4 bedrooms have 2 car parking spaces. It has been agreed that no extra visitor parking will be shown on the proposed layout and a permit scheme will be introduced upon completion of the development.

A series of amended plans have been submitted in order to take into consideration the consultation responses, in particular Highways Development Control and the Architectural Police Liaison Officer to ensure where possible enhancement of natural surveillance. Amendments have also been made following the review and consideration of the proposed development under the Building for Life 12 (BfL 12) scheme. Its assessment will be discussed under Section 10 of this report.

In broad the proposed residential development seeks to provide 100 dwellings served off one vehicular access with two pedestrian and cycle links to Uttoxeter New Road and the future phases of the scheme including the hub which is identified on the masterplan and parameters plan. The layout is forged around a loop road with two shared surface drives which overlook the swales and public open space. Attention has been clearly paid to the orientation of key buildings to ensure signposting and legibility through to key features such as the POS and pedestrian links. Land levels across this section of the site decline in a south-easterly direction towards the rear gardens of those properties fronting Uttoxeter New Road which is clearly detailed on the submitted site sections and street scenes. There are no existing buildings on the application site and the majority of the site was previously used as an agricultural field.

The application is accompanied by a Design and Access Statement, Affordable Housing Statement, Air Quality Assessment, Geophysical Survey, Tree Survey, Transport Statement, Phase 1 Habitat Survey, Noise Survey, Drainage Strategy, Desktop Study Final Report and Ground Investigation Final Report.

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

##### **DER/07/08/01081 – Outline Planning Permission – Resolution to Grant:**

Residential Development (700 Dwellings), erection of offices (Use Class B1), retail units (Use Classes A1, A2 and A3), business units and associated infrastructure (roads, footpaths, open space and allotments)

##### **DER/03/03/00545 – Full Planning Permission Granted:**

Erection of 45 flats in 3 x three storey residential blocks and ancillary laundry, office and bicycle stores

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

##### **5.1. Economic:**

The proposal would deliver housing as part of a wider regeneration priority across the former Manor/Kingsway Hospitals. The scheme would provide 100 units including 6 affordable units and 14 lifetime homes. The application is also accompanied by a Section 106 agreement; the agreed Heads of Terms are set out below in Section 11.6 of this report.

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### **5.2. Design and Community Safety:**

The application is submitted in accordance with the Manor Kingsway Supplementary Planning Document and has been subject to a Design Review Process where it was considered under the BfL 12 criteria, the results of the Review Panel are set out in Section 5.6 below.

The layout benefits from strong frontages to all street scenes with key buildings located at crucial junctions; at the entrance and later phases to ensure signposting and legibility throughout.

Community safety issues have been considered by the Police Architectural Liaison Officer and amendments have been made accordingly to ensure overlooking of the public open space, increased natural surveillance, particularly within the mews and ensure active frontages. Only one rear car parking is proposed and this is attached to a flat of over garage (FOG).

### **5.3. Highways – Development Control:**

To be reported.

#### **Highways – Land Drainage:**

To be reported.

### **5.4. Disabled People's Access:**

The scheme incorporates lifetime homes and will have a degree of accessibility through compliance with Building Regulations.

### **5.5. Other Environmental:**

The application is accompanied by an Air Quality Assessment, Tree Survey, Phase 1 Habitat and Desktop Study Final Report and Ground Investigation Final Report. The initial survey works along with the addendums sets out the estimated environmental impacts of the development. The consultation responses of individual consults are set out in Section 8. However I am of the opinion the proposal is unlikely to have any harmful implications on the landscape or character of the area. Moreover, subject to compliance with suggested conditions, the proposal would be unlikely to have any harmful ecological implications.

### **5.6. Building for Life 12:**

The application was considered under the criteria of BfL 12 during a meeting chaired by OPUN, in which it initially received 11 Greens and 1 Amber rating. Following further discussions and the submission of amended plans the amber was upgraded to a green. The scheme has therefore been awarded the maximum 12 greens. A summary of the BfL12 findings is set out below:

#### **Integrating into the Neighbourhood**

1. Connections – The site makes a number of pedestrian connections to the surroundings and although there are no vehicular connections at present there is future potential for vehicular links. Performance: Green
2. Facilities and Services – This phase forms part of a wider development that encompasses a mixed use hub or village centre which will provide local conveniences and an extra care scheme. There is further potential to accommodate contemporary uses such as cafes. There are also

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schools within the vicinity that will have further capacity for additional pupils subject to the section 106 contributions. Performance: Green

3. Public Transport – There are good bus routes adjacent to the site and pedestrians and cycle links are proposed in order to link the application site and the bus stops on Uttoxeter Road. Performance: Green
4. Meeting Local Housing Requirements – A mix of house types and tenures have been proposed and agreed with the developer, the Council and the Housing and Communities Agency (HCA). The HCA have also confirmed that the proposed mix responds positively to the local housing requirements.

### **Creating a Place**

5. Character – The scheme offers a distinctive character and memorable architectural styles that draws creative inspiration from architectural influences from existing buildings on the site, in particular the Dutch gables and hospital towers. Further distinctive character could be achieved through the use of materials.

The indicative materials palette is elegant and contributes towards the contemporary approach to the development. Hard and soft landscaping along with boundary treatments have been considered and designed in a holistic manner in order to create a sense of place, memorable identity and distinct character. Performance: Green

6. Working within the Site and its Context – There were no distinctive features on this part of the site that could be retained however architectural inspiration has been drawn from the previous site buildings. This phase creates the first SUDs scheme which seeks to manage surface water run off across the site. Efforts have been made in order to incorporate existing landscaped features across the wider site. Performance: Green
7. Creating Well Defined Streets and Spaces – The schemes block perimeter block structure is simple yet effective with buildings addressing corners and no blank gables. Key views into and across the site have been considered and resolved. Performance: Green
8. Easy to Find Your Way Around – Landscaping features and marker buildings have been placed in order to assist way finding. The Street structure is clear, direct and logical with a clearly defined open space. Further thought should be given to the demarcation of the hub and the inclusion of Poplar trees which are a clear feature of the existing site, although this does not affect the current application. Performance: Green.

### **Street and Home**

9. Streets for All – During the initial discussions of the design review concerns were raised over this element as the scheme lends itself to be designed as a 'Home Zone'. Further discussions have taken place between OPUN, Kier, HCA and the Council in respect of this element as the original performance was an Amber. As the design of the street

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encompasses all the right ingredients of street calming and making a better place it was collectively felt that as the issue was over adoption rather than design that this element could be awarded a green status for striving to overcome the concerns raised. Performance: Green

10. Car Parking - The development provides on plot parking and on street parking on the shared surface drives. The driveway parking has been amended to ensure the provision of two car parking spaces rather than 1.5 which could lead to vehicles overhanging the pavement. It is accepted that car parking levels are low it has been recognised that there is a need to promote sustainable modes of transport. Furthermore, the increased provision from 1.5 car parking spaces to 2 car parking spaces will seek to limit the displacement of car parking onto the roads. Performance: Green
11. Public and Private Space – Both public and private spaces are clearly and neatly defined by landscaping and brick walls where appropriate. Ambiguous spaces have been amalgamated into private gardens where possible. The public open space is well overlooked on all sides with a suitable long term management programmed. Performance: Green
12. External Storage and Amenity Space – Bin, recycling and cycle storage has been carefully incorporated in to the scheme; with provision at the front of some plots where rear access isn't easily accessible. Bin store will need to be attractive and robust. Some garages have been extended in order to provide additional storage particularly for cycles. Performance: Green

### **Conclusion**

The scheme, following recommended revisions, subject to robust implementation is considered to achieve 12 'greens'.

## **6. Publicity:**

|  |    |  |  |
|--|----|--|--|
| Neighbour Notification Letter          | 52 | Site Notice                                |  |
| Statutory Press Advert and Site Notice | Y  | Discretionary Press Advert and Site Notice |  |
| Other                                  |    |  |  |

*This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.*

## **7. Representations:**

The application has not attracted any third party letters of representation following the three consultation periods which commenced on 19<sup>th</sup> October 2012, 12<sup>th</sup> November 2012 and 8<sup>th</sup> February 2013.

*Copies of all the representations are available to view on the Council's eplanning service:- [www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*

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### **8. Consultations:**

#### **8.1. Environmental Services- Pollution:**

The reports written, submitted and subsequently amended are considered to be acceptable and the development will be controlled further by recommended conditions.

#### **8.2. Regeneration:**

As the first phase of the much larger regeneration scheme for residential and commercial uses, it is encouraging to see this residential scheme progress to application stage to allow a start of construction on the long vacant site.

This phase has achieved recognition through the Building for Life process with OPUN and is consequently highly recommended in its approach to urban design and place making.

#### **8.3. Derbyshire County Council Archaeologist:**

The proposal area forms part of the wider Kingsway Hospital site subject to application DER/07/08/01081. In relation to this earlier application I recommended (letter of 27 August 2008) that the undeveloped parts of the site, including the current proposal area, had archaeological potential due to the proximity of the Rykneld Street Roman road and a number of prehistoric and Roman find spots in the vicinity.

Geophysical survey of the undeveloped parts of the wider Manor Kingsway site has recently been carried out by ASWYAS/Cotswold Archaeology. This suggests that the open areas close to the former hospital site have been significantly disturbed and retain little archaeological potential. The southern field, of which the current proposal area forms part, appears however to have remained relatively undisturbed, with the geophysical survey showing evidence for medieval ridge and furrow in places. No clear archaeological features were however identified, although it must be noted that geophysical survey produces uneven results on mudstone geology, tending to miss smaller archaeological features and features where the fill is similar to the surrounding substrate.

I recommend on balance that the proposal area retains a level of archaeological potential which should be assessed through evaluation trenching, with further measures (excavation or preservation in situ) to mitigate development impacts on any significant archaeology encountered. This should be secured by a planning condition in line with NPPF para 141.

#### **8.4. Environment Agency:**

In respect of flood risk, the Agency has no objections, in principle, to the proposed development but recommends a condition relating to the control of surface water drainage.

In respect of groundwater and land contamination, the Agency has reviewed the submitted Desk Study and Ground Investigation Report, is satisfied with the works completed to date, and agrees with the recommendations within section 7 of the Report. The Agency recommends that standard land contamination conditions are imposed, together with conditions to control the

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remediation of any unidentified contamination and prevent pollution of the water environment. Subject to conditions no objections are raised.

In respect of biodiversity, the Agency advises that Natural England should be consulted with regard to bats. The Agency supports the mitigation in section 6 of the submitted Ecological Survey and agrees that tree removal should be done outside of the bird nesting season (March – Sept inclusive). There are pond and wet ditch on the site which the Agency want to be retained and enhanced (the illustrative materplan shows the pond is retained) and the creation of additional habitats and wetland are welcomed. The Agency would like to see the production and implementation of a habitat management plan for both existing and new habitats, to include post-mitigation monitoring. It is recommended that at the very least a post-mitigation survey should be carried out.

### **8.5. Derbyshire Wildlife Trust:**

It is noted that the Ecology Surveys prepared by White Young Green available on the Council website in support of the application were carried out during 2006 and 2007 and, as such, are now considered to be significantly out of date.

However, we are aware that an updated Phase 1 Habitat Survey was undertaken by White Young Green, the results of which are presented in a letter dated 5<sup>th</sup> December 2012. It is noted that the updated survey only covers the area subject to the first residential phase of this application.

The updated survey identified the site to comprise part of a larger agricultural field used for arable crops. A small amount of bramble scrub is present in the southern corner of the site.

No evidence of protected species was noted and the habitats present on the site were considered to be of limited biodiversity value. We would advise the Council that this is likely to be an accurate assessment and that no significant ecological impacts are anticipated as a result of the proposed development.

### **8.6. Police Liaison Officer:**

The Sentry house type concept is welcomed and improves natural surveillance and access check point to one side of the street. It is better to see this treatment on both sides to provide the natural access control message that you are entering a different space and development.

It may be possible to reinforce this by having a symbolic barrier using a pillar or landscape feature on the opposite side of the entrance point, within the green space.

The public open space, swale and play area are well overlooked by dwellings on all sides. The fact someone may be watching you is something offenders do not like and can deter crime target selection and identified opportunist criminal searching behaviours, especially when frontages are all active, having predominantly main habitable rooms with views into the street and strong complete building lines.



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The issues arise around sufficient and safe parking for residents and visitors and how to deter rogue-parking emanating from the Derby Royal Hospital, which is a well-documented local problem. People do still leave items of value on view within parked vehicles and this will attract miscreants into this development. To see a suggested permit scheme before a development has been built raises concerns. One space for a two bedroomed house policy has resulted in the parked car dominating the streets and footpaths especially noticeable on all new higher density development with parking courts, resulting in reduced road safety, increased car crime theft opportunities and obstructed emergency response and access.

The streets, if not already considered, should be designed to deter rogue parking, possibly with raised kerbs or similar treatments in all areas that do not provide access to properties.

Defensible space and setbacks are incorporated, although some are very small, to give essential privacy and security to the residents ground floor windows and doors. Having front enclosed gardens promotes social cohesion and provides guardianship to the outside space beyond the fabric of the house walls. They prevent the permanently closed blind and curtain scenario you can identify on all new developments, with little or no setback from the street removing beneficial active edges and natural surveillance opportunity.

The spaces have plot division to the sides but the frontages, where not used for drive access should have demarcation treatments such as hedges, low walls, railings or shrubs. Planting should initially be reinforced with knee rail to support growth, show clear demarcation and prevent vehicles being parked over these areas.

Parked vehicles will obliterate surveillance views from the ground floor of the smaller house types (Plots 7 to 19) and vans will restrict all views as well as natural light when parked in front of the bay windows in particular. This will encourage on street and on kerb parking especially with owners of larger vehicles and vans. Parking configurations should be planned to maintain good views from ground floor windows in to the street.

The Mews area, containing house type (aa21), do not have any main habitable rooms facing into the courtyard only a first floor bedroom and side gable windows, to one plot (87), which does not provide adequate natural surveillance. At least one dwelling should face into the space containing ground floor windows from main habitable rooms with unrestricted views. Plot 87 does not actually have any parking within the shared space but the gable end windows are designed specially to cover this area, presumably, due to the identified lack of surveillance. For the concept of natural surveillance and guardianship to work, the residents must have some affinity and connection with the spaces they overlook such as garden space, planting or parked vehicles.

Left over confused space without clear purpose can lead to anti social behaviour and nuisance hotspots, especially at natural points of access and junctions, links and paths. The space adjacent to plot 69 should be part of the curtilage of the dwelling as well as the planted restricted access concept area.

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All shared paths to gain access to the rear of some dwellings require gating at the front of the building line as well as individual locking gates to each dwelling within the path.

Adequate bin storage is a difficult and growing issue and bins do offer a risk of arson endangering life when placed next to a dwelling and set alight, something, which unfortunately is becoming more common. They are also used to climb over fences and gates or gain access to first floor balconies and roof spaces. Many larger house types have bin storage accessed through the garage. Three bins will need to pass from the rear to front, after first removing the car parked within and another on the drive. I can predict that many bins will remain on the front, due to human nature. Purpose built, easily accessible stores are obviously the best option, without passing through garages if possible, to remove the arson and climbing access risks, as well as the unsightliness from the street scene.

Secure by Design scheme crime prevention standards should also be considered appropriate for condition, to ensure the layout and physical security standards provide good minimum crime resistance to all dwellings and not just the publically funded housing.

This will ensure Derby remains a safe place to live for all tenures, and all residents.

### **8.7. Environmental Services-Parks:**

#### **Comments on design of open space**

The small triangular area of open space is felt to be too small to properly accommodate the 2 uses of a play area and a swale and there needs to be some compromise on one or both of the proposed uses to enable the open space to provide real benefits.

#### **Play Area**

This site is too close to residential properties to be acceptable as a play area for older children (6 to 14) and children of this age playing close to houses will lead to complaints and nuisance to residents. In addition the space available is too small to provide suitable play opportunities for both younger and older children and there is no area to allow for more exuberant play by older children.

It is recommended that the site should be simplified and redesigned to cater as a small pocket play area for toddlers and young children up to the age of 6 with a restricted range of equipment set within a more extensive soft landscape area.

The detail design of the play area will need to be conditioned as part of all external works.

#### **The swale**

The swale has been designed as an engineered structure. Despite the application making reference to the benefits to biodiversity and public amenity that these features can provide, it is not clear how these benefits will be achieved within this restricted site. The swale appears to have been squeezed into the smallest area needed for it to fulfil its engineering function and no consideration has been given as to how the wider public and biodiversity

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benefits will be provided. The Design and Access statement notes that the swales will comprise mown grass, which will not provide any biodiversity benefit. There is scope to make the swale more interesting and provide greater benefit, for example through providing:

- variations in bank gradients to make them visually more interesting with a mosaic of mown and wild flower areas
- have some variation in depth to create a mix of wetter and drier areas that will support a greater variety of flora
- have variable width to provide more interest and allow for the variation on bank gradient.
- Planting with native herbaceous and occasional shrubs

Consideration needs to be given to the appearance of the edge of the swale where it abuts the highway edge, preferably incorporating a mown grass edge to show that the area is cared for.

I accept that the linear swale can be designed to be more formal, but it needs to be accepted there will be no biodiversity benefit.

### **Planting**

I have some concern about the selection of tree species and varieties across the site in relation to their proximity to houses and potential future problems with overhanging and loss of light. A number of medium to large trees are proposed very close to houses (for example Tilia in some locations), while the Platanus selected for the open space will cast dense shade over the area. Further thought needs to be given to overall design of the open space that takes into account the end uses as a swale and play area.

The design of the front gardens relies on the use of extensive hedges to give visual coherence and these will require on-going maintenance to ensure they do not encroach onto the footpath.

The planting design requires further consideration and I would recommend a condition requesting submission of a detail planting scheme for approval.

### **8.8. Highways Agency:**

The proposed development is not expected to have a material impact on the closest strategic route, the A5111. Therefore, under Article 25 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Highways Agency has no objections to the proposal..

Whilst the Agency has no objection to this application, we are aware that this forms part of a larger development at this location; indeed the submitted Transport Assessment details this. The Agency has previously agreed (in April 2012) that 200 dwellings could be occupied in advance of mitigation at the A38/A5111 Grand Canyon junction. . Given that this proposed development is for a quantum lower than the trigger identified, no mitigation is necessary to support this application. However, the Agency wishes to make clear to both the applicant and planning authority that the Agency still intends to direct this condition on the development site as a whole; this will occur once the total

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number of dwellings applied for exceeds 200 in total. A simpler approach from the Agency's point of view would have been to submit an application for the site as a whole, with a phased condition then being directed.

Following the submission of the amended plans there are no changes to the triggers for mitigation so no further comments are offered.

### **9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.***

|     |   |
|-----|---|
| GD1 | Social Inclusion  |
| GD2 | Protection of the Environment                             |
| GD3 | Flood Protection  |
| GD4 | Design and the Urban Environment                          |
| GD5 | Amenity   |
| GD7 | Comprehensive Development                                 |
| GD8 | Infrastructure  |
| R1  | Regeneration Priorities                                   |
| R4  | Land at former Manor and Kingsway Hospitals               |
| H11 | Affordable Housing  |
| H12 | Lifetime homes  |
| H13 | Residential Development – General Criteria                |
| S1  | Shopping Hierarchy  |
| S2  | Retail Location Criteria                                  |
| S9  | Range of Goods and Alterations to retail                  |
| E2  | Green Wedge   |
| E4  | Nature Conservation                                       |
| E5  | Biodiversity  |
| E8  | Enhancing the Natural Environment                         |
| E9  | Trees   |
| E10 | Renewable Energy  |
| E12 | Pollution   |
| 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 in 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 | Protection of Footpaths, Cycleways/Routes for Horseriders |

*The NPPF is a material consideration and supersedes the earlier PPG's and PPS's*

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*The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.*

### **10. Officer Opinion:**

#### **Principle of Development**

The site of the proposal is allocated under R4 as a major mixed use regeneration opportunity for a mix of uses including residential.

The principle of residential use in this location has been accepted by the resolution to grant outline planning permission for the whole of the R4 area. The proposal aligns with the layout in the recently updated parameters plan. Policy GD7 requires the comprehensive development of major sites. Although only forming part of the overall scheme, the bringing forward of this element will not prejudice the development of the remainder of the site. As such, I do not have any concerns in terms of GD7.

The proposal would be the first tranche in the development of an important, longstanding, residential site.

I note that it is the intention that the houses will be built to code 4 for Sustainable Homes with the use of a range of designs, facilities and materials to reduce energy use, in line with the intentions of E10 and is to be welcomed. The proposed residential scheme, in my opinion accords with the requirements of GD2, GD4, GD5, H13 and E23 in terms of providing a high quality built environment and high quality living environment.

I also note that steps are to be taken to move waste up the waste hierarchy in line with the government guidance in PPS10, Planning for Sustainable Waste Management, which is also to be welcomed.

The proposal has a vehicular access separate from the larger site area but it does have pedestrian and cycle links to the wider site, meeting the requirements of T6 and T7.

There are no policy objections to the principle of the proposal given the history and previous land use designations.

#### **Design and Street Scene**

The current submission is the result of a series of Design Review Meetings with colleagues from various teams along with the Housing Communities Agency and Kier's in house team consisting of architects and engineers. The scheme is laid out with a main loop road lined with properties and a central island development which is served by two private shared surfaces. An area of public open space is located towards the north-eastern corner of the site with two pedestrian and cycle links maintaining access to the future phases of the development located at the north-eastern corner and the north-western corner. The north-eastern pedestrian and cycle link will allow future residents' access to Uttoxeter New Road, cycle routes and bus services.

Street 12a links the proposed residential scheme with the existing highway of Manor Park Way. Plot 01 is a prominently positioned three storey bespoke house type, option 3 with a square Dutch gables and window detailing on the side elevations. Its

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car parking is screened by planting. Plots 02, 03 and 04 have been staggered in order to provide a strong frontage and provide signposting into the scheme.

Plots 5 and 6 are stepped forward highlighting a change in road width, signalling a change in road speeds due to the narrowing of the vista and provide a back stop to street 12f. The three storey properties are a standard gable with a white rendered finish.

Street 12b is a wide boulevard consisting of a standard highway providing two access points to the shared surface which serves plots 26, 41 – 50 and 100. The main boulevard is tree lined; plots 07 – 17 are uniform in appearance providing a consistent street scene of gable fronted properties with frontage parking with hedge lined front gardens. Plots 18 and 19 are a pair of semi-detached dwellings with rendered features providing a welcome break to the traditional red brick nature of the street scene. Plot 20 is stepped forward narrowing the appearance of the width of the boulevard; along with the adjacent plots 21, 22, 23, 24 and 25 the distance between the properties is reduced highlighting a termination to vehicular access yet providing a cycle and pedestrian link which is also landscaped.

Plot 51 along with plot 69 seek to 'book end' street 12c; both plots are a bespoke house type with a watch tower appearance terminating the junctions and signposting views into the adjacent phases of the wider site. These plots are three storeys in scale with a glazed room on the roof providing access to a roof terrace with timber clad details on the white rendered elevations. The side elevation, which is visible within the street scene and adjacent to the pedestrian and cycle link also has a timber clad detail to add interest. The rest of street 12c is considered in two elements a series of two storey red brick gable fronted mews style properties with frontage parking and hedge lined front gardens. Plots 62 and 63 add a welcome relief to the mass of red brick along this street scene with their three storeys white rendered contemporary gabled front elevations standing prominently at the termination of shared surface. The adjacent plots, 64 – 69, are also three storeys in scale with parking and an attached garage located to the west of each plot.

Street 12d is a mixed street scene providing a backdrop to the public open space. The contemporary rendered units, plots 70 – 73, are also lifetime homes and are positioned adjacent to the pedestrian and cycle link; their set back and frontage parking is designed to reinforce the change in surface, speed of movement and circumstance for pedestrians and cyclists entering the development signalling the potential for vehicular movement. The remainder of the street scene is a mix of two and three storey red brick gable properties with adjacent garages and associated parking. The extensive use of red brick is considered to be acceptable creating interesting views from the public open space.

The mews development is located in the south-western corner of the application site and consists of 8 lifetime home units; two have designated frontage parking whereas the other properties share a communal parking area. Amendments have been made to the internal configuration of a number of these properties to increase natural surveillance of the parking area. The entrance to the mews has been designed in order to reduce vehicle speeds and to limit views of the parking area which has been achieved through planting and landscaping.

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Street 12f links back to the junction of 12a and 12b completing the loop road. Two properties, plots 94 and 98, stand as 'book ends' to three two storey terraced properties, screening their frontage parking. The properties are rendered with similar features such as the Juliet balconies and projecting windows creating a contemporary feel.

Within the centre of the development is an island of properties which are accessed off a separate private road which is of a shared surface design. Four three storey Dutch gable properties stand proudly at the corners adding interest and signposting along with reflection to the former hospital buildings and gatehouses. There is an element of symmetry between the remaining plots through the use of two storey red brick properties and a pair of semi-detached rendered properties. Some plots are served by garaging and others have on street parking.

Overall, attention has been paid to key views through the site, particularly across the public open space, termination of the highway and the creation of views to future phases of the wider scheme. The varying use of materials ensures reflection of the former and existing hospital buildings and will provide uniformity across this phase. The layout has been considered along with the wider masterplan ensuring the site is future proofed and important links, characters areas, finishes and styles are maintained across the wider site.

### **Residential Amenity**

The application site is bounded by residential properties to the south and south-east, properties fronting Uttoxeter New Road. The existing properties are set in large plots with long rear private gardens measuring between 22.5 metres and 25 metres from the red edge of the application site. Whilst those properties fronting street f are in part three storeys I am satisfied that there is sufficient distance between the main elevations to overcome concerns of overlooking and maintain privacy to the existing and future residential gardens. The mews properties are side on to those existing properties with no windows proposed in the side elevation. As such I am satisfied that the proposed residential properties will not have a detrimental impact on the residential amenity currently enjoyed by those existing properties fronting Uttoxeter New Road.

Whilst I accept a number of properties have a limited amount of private rear outdoor space this will not result in overlooking and loss of privacy due to the position of these particular plots. Plots 03, 53, 54, 58, 59, 60, 86, 87, 90, 91 and 93 have a rear garden length of less than 10 metres however this mainly occurs when providing pedestrian access to the rear garden and the rear space is considered to be useable space in a rectangular form. Where these properties about future phases particular consideration will have to be given to any future proposed house types.

Plots 59 and 61 benefit from an additional glazed room and roof space consideration has been given to limit potential overlooking through limiting access to the rear and side of the roof terrace; therefore views will only be afforded to the public domain.

The application has not attracted any third party letters of representation therefore I can only assume existing residents have no objections to the application.

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### **Access and Car Parking**

Discussions are continuing regarding the detailed internal road layout in order to order overcome initial concerns of colleagues within Highways Development Control, in respect of in respect of visibility splays at junctions, parking spaces and alignment of turning space particularly within the Mews. Members will be provided with a written update in respect of the highways matters prior to the meeting.

### **Environmental Considerations**

As part of the previous application and discussions with the Derbyshire County Archaeologist further survey work has been carried out at the site concluding that much of the site previously undeveloped areas around the hospital have been disturbed and unlikely to retain any archaeological potential. This particular area however is unlikely to have been heavily disturbed and traces of medieval ridge and furrows were evident from the submitted geophysical survey. In light of these mixed conclusions an archaeological watching brief is to be secured by condition.

The application is accompanied by a Drainage Strategy dated 2012 which has been duly considered by the Environment Agency and colleagues in Land Drainage who support the merits of the strategy. The scheme, in its entirety (including the outline elements) will see the installation of a new storm and foul water drainage infrastructure; which will be implemented in phases as the reserved matters parcels are brought forward and see the implementation of SUDs, in various forms, in the residential areas including edge swales/strips, porous paving, underground stone blankets and ponds/attenuation basins.

The submitted reports have been considered by colleagues within Environmental Health and appropriate conditions are recommended in Section 11.3 of the report.

The application is accompanied by a Sustainability and Energy Statement which states this phase will be built to a Code for Sustainable Homes (CSH) Level 4 through the generation of energy from renewable sources, minimising the baseline energy consumption, sustainable sourcing and construction. Photovoltaic panels are shown on all properties on the submitted roof plan, the exact positioning is yet to be agreed with a consultant to ensure optimum energy production. Further consideration has been given to incorporating the following measures where possible; smart metering, water butts, sanitary facilities with low flow and aerated fittings, the use of SUDS, exploiting natural drainage, sufficient internal and external space for storing recycling and increasing natural daylight into properties reducing the need for artificial lighting.

Given the nature of the site and its previous use as farm land there were not considered to be any significant landscaping features along with no trees. The implementation of the proposed landscaping scheme will seek to increase vegetation across the site along with the planting of various tree species, hedgerows and ground cover plants creating landscaping feature and character areas such as along the boulevard. Whilst Derbyshire Wildlife Trust has raised no overriding objections to the proposals, additional supporting information has been circulated and to them, and Members will be updated orally at the meeting if any further correspondence is received.



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### **Other Issues**

Kier, has been in long term discussions with the Derbyshire Fire Service in respect of providing a sprinkler system to the development and are continuing to investigate the possibilities of a research grant to cover the provision of sprinklers in the lifetime homes and affordable units. All show homes and sales centres are to be fitted with a sprinkler system and the Fire Service will have an allocated stand at the sales centre in order to promote the installation of sprinklers. The installation of sprinklers and the promotion of their installation is in line with Council objectives and also the Derbyshire Fire and Rescue Service.

Each plot across the site is to be provided with an adequate water mains connection to allow for future sprinklers which can either be fitted during construction or retrospectively fitted at any point in the future. Furthermore the number of fire hydrants proposed on the site exceeds current regulation requirements to aid fire safety.

### **Summary**

Following the submission of the amended plans, revisions to the layout and alterations to the internal highway layout, the submission has sought to achieve a sense of place through the creation of character areas and architectural features that will also aid signposting and legibility. The scheme has achieved the highest possible performance under the new Buildings for Life 12 criteria which has been acknowledge by OPUN and will set a high standard of design for the wider site.

The layout provides various parking strategies including frontage, side and garage parking, on street spaces and a rear parking court. As such the scheme is not considered to be dominated by car parking and where possible additional screening has been provided through the positioning and orientation of buildings and planting.

The developer has sought to address the concerns of consultees and the Local Planning Authority through joint working and regular meetings resulting in the creation of a high quality living environment for those future residents of the development. The development has sought to satisfy the relevant national and local plan policies and will ensure a comprehensive development of the wider site.

The overarching principle of the NPPF is that there is a presumption in favour of sustainable development. Paragraph 11 clarifies this by stating that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

I am satisfied that the development of this site which lies adjacent to existing residential properties and has been allocated for residential purposes is highly sustainable.

The proposal is unlikely to have any harmful visual impacts on the landscape or landscape character of the area and would, subject to the imposition of appropriate planning conditions, be unlikely to have any harmful impacts on the ecological interests of the site or surrounding area. The access and internal road layout has been amended in order to ensure highway safety.

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

**11.1 A. To authorise** the Director of Planning and Facilities Management to finalise the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 below and to authorise the Director of Legal and Democratic Services to enter into such an agreement.

**B. To authorise** the Director of Planning and Facilities Management to **grant permission** upon conclusion of the above Section 106 Agreement.

#### **11.2. Summary of reasons:**

The proposal has been considered against The National Planning Policy Framework, the policies contained within the Adopted City of Derby Local Plan Review, the Supplementary Planning Document for the Development of the Manor/Kingsway Hospital Site and all other material considerations as summarised at 9 above. The application site is located in a sustainable location which is accessible to a variety of modes of transport. Amendments have been secured in order to ensure highway safety and usability. The development is unlikely to have any harmful visual impacts on the landscape or landscape character of the area and would, subject to the imposition of appropriate planning conditions, be unlikely to have any harmful impacts on the ecological and/or archaeological interests of the site or surrounding area. Furthermore the layout, design, siting and external appearance of the proposed properties is considered to be acceptable and clearly draws reference from the former buildings on the hospital site and will integrate with the surrounding area and provisions have been made to ensure this phase of the wider site will integrate with the future phases.

#### **11.3. Conditions:**

1. Standard condition 100 (approved plans)
2. Standard condition 03 (time limit)
3. Standard condition 27 (external materials)
4. Standard condition 13 (garage – private use only)
5. The means of enclosure should be carried out in accordance with the details set out on drawing no. 80216 P(0)\_013 entitled Boundary Treatment Plan unless otherwise agreed in writing by the Local Planning Authority.
6. The hard and soft landscaping schemes are shown on drawing no's GIA026-C100-RM1\_3001 Revision B and GIA026-C100-RM1\_3002 Revision B shall be implemented in full.
7. Standard condition 44 (landscaping within 12 months)
8. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

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- a) The programme and methodology of site investigation and recording
  - b) The programme for post investigation assessment
  - c) Provision to be made for analysis of the site investigation and recording
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation
  - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation"
9. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (8).
  10. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (8) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
  11. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.
  12. Details of the proposed play area including play equipment, boundary treatments, access, materials and colour finishes shall be submitted to and approved in writing by the Local Planning Authority and then implemented as approved.
  13. In those cases where the detailed investigation report confirms that contamination exists, a remediation method statement will be required for approval.
  14. All of the respective elements of the agreed remediation proposals will need to be suitably validated and a validation report shall be submitted to and approved in writing by Derby City Council, prior to the development commencing
  15. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.

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The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- details of how the scheme shall be maintained and managed after completion
- sustainable drainage techniques or SuDS incorporated into the design.
- Details to show the outflow from the site is limited to the maximum allowable rate, i.e. greenfield site run-off
- That the surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including a allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar sewer modelling package calculations which include the necessary attenuation volume)
- Detailed design details of the proposed balancing pond, including cross-sections and plans

16. Standard condition relating to land contamination

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

18. All foul and contaminated water should be directed into the main foul sewerage system provided that adequate capacity for such additional flows is available.

19. No rainwater contaminated with silt/oil from ground disturbed as a result of the construction phase of the development shall drain to surface water sewer or watercourse without sufficient settlement. Under the Environmental Permitting Regulations 2010, the prior agreement of the Environment Agency is required for any discharge of dewatering water from excavations to controlled waters.

### **11.4. Reasons:**

1. Standard reason E04
2. Standard reason E56

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3. Standard reason E14 (H13, GD5, GD4)
4. Standard reason E07 (GD5)
5. Standard reason E07 (GD5, H13 and GD4)
6. Standard reason E10 (E20, GD4, GD5 and H13)
7. Standard reason E10 (E20, GD4, GD5 and H13)
8. To ensure that any features of archaeological/historical interest are protected and recorded and in accordance with saved policy E21 of the adopted City of Derby Local Plan Review.
9. To ensure that any features of archaeological/historical interest are protected and recorded and in accordance with saved policy E21 of the adopted City of Derby Local Plan Review.
10. To ensure that any features of archaeological/historical interest are protected and recorded and in accordance with saved policy E21 of the adopted City of Derby Local Plan Review.
11. In the interest of nature conservation and in accordance with saved policies E4 and E8 of the adopted City of Derby Local Plan Review.
12. In the interest of visual amenity and safeguarding suitable amenities in accordance with saved policies H13, E17 and GD5 of the adopted City of Derby Local Plan Review.
13. In the interests of public health and safety and in accordance with saved policy E18 of the adopted City of Derby Local Plan.
14. In the interests of public health and safety and in accordance with saved policy E18 of the adopted City of Derby Local Plan.
15. To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the drainage system in accordance with saved policies GD3 and E12 of the adopted City of Derby Local Plan.
16. To safeguard human health and the water environment in accordance with saved policies E12 and E13 of the adopted City of Derby Local Plan Review.
17. To protect the underlying Secondary B aquifer and neighbouring Bramble Brook from contamination in accordance with saved policies E12 and E13 of the adopted City of Derby Local Plan Review.
18. To prevent pollution of the water environment and in accordance with saved policy E12 of the adopted City of Derby Local Plan Review.
19. To prevent pollution of the Bramble Brook and in accordance with saved policy E12 of the adopted City of Derby Local Plan Review

### **11.5. Informative Notes:**

Suitably worded informative notes relating to the requests of the EA

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### **11.6. S106 requirements where appropriate:**

Amended Heads of Terms for the RM01 application for 100 dwellings. Requirements from the existing application have been adjusted pro rata, as appropriate. Here 'outline' refers to the remaining 600 units.

#### **Affordable Housing**

To remain as per existing agreement.

#### **Open space & sports facilities**

Open space, including a play area, to be provided on site as shown on drawing 80216 P(0)\_012 A. Terms to remain the same – transfer to the Land Trust.

This area of open space is smaller than that required from 100 dwellings. However, to keep the agreement simple, we will just require the provision of the open space land you are already proposing on RM01. This is on the understanding that the shortfall is made up in the later outline application.

#### **Highways**

Pro rata contribution of £31,941 required.

#### **Art**

No requirement on this site. To be provided in full on outline.

#### **Lifetime Homes**

10 lifetime homes units to be provided.

#### **Nature conservation**

No requirement on this site. To be provided in full on outline.

#### **Travel Plan**

New Travel Plan required on this application via condition. S106 to reference relevant condition.

Pro rata monitoring fee required - £35,714

#### **Education**

Contribution not required until 200 dwellings. However, need to ensure we can claw back a pro rata contribution should the outline not go ahead.

If development has not started on the outline within 3 years of the date of this agreement, a contribution will be payable to the Council for Education. £12,199 per primary place & £18,381 per secondary place, as per the existing agreement.

#### **Community centre/ facility**

Per unit contributions required, as per existing agreement. Sum to be paid before 50% units occupied.

#### **Library contribution**

Per unit contributions required, as per existing agreement. Sum to be paid before 50% units occupied.

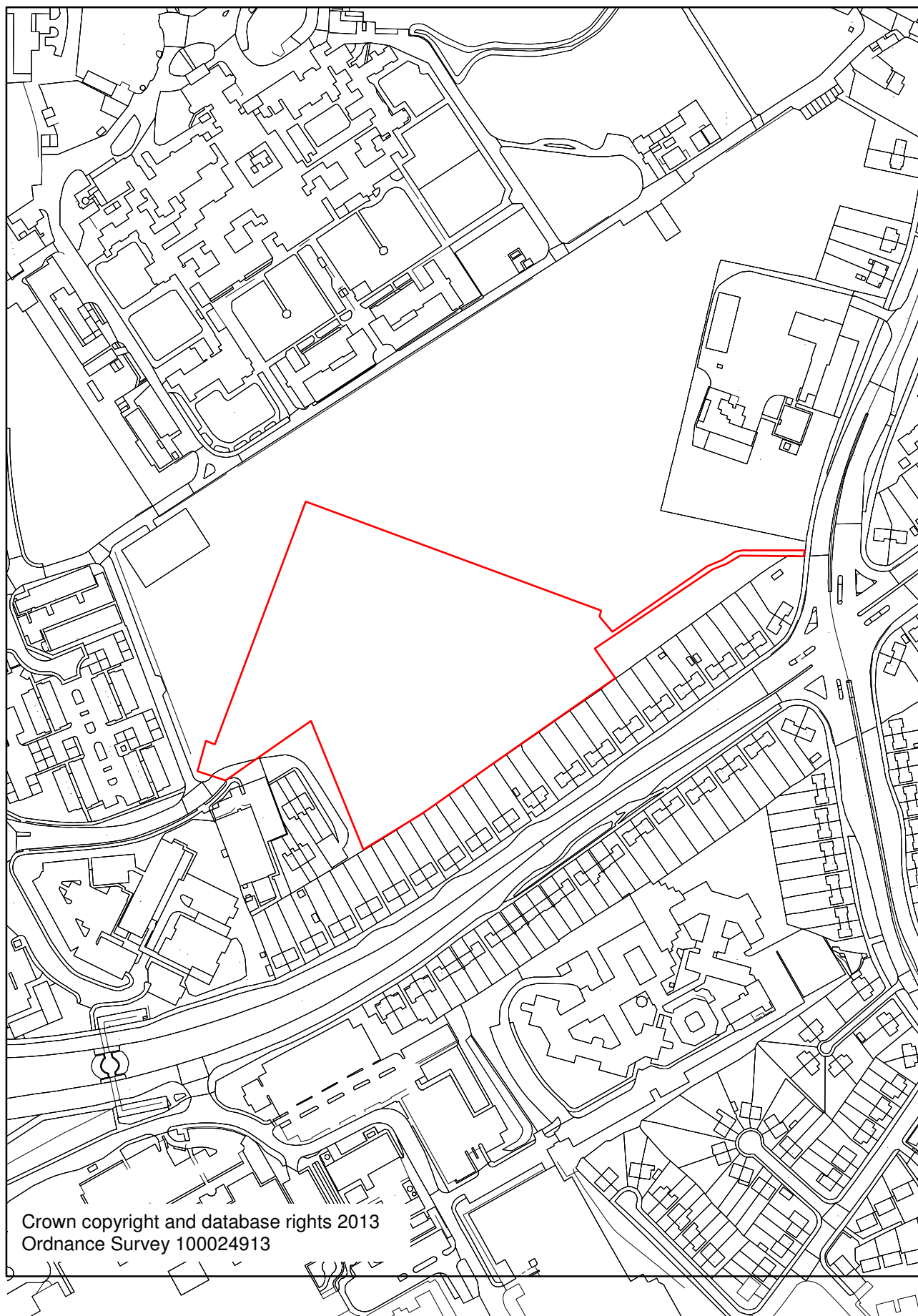
### **11.7. Application timescale:**

The target date for determination of this application expired 4<sup>th</sup> January 2013 and is brought before committee due to the strategic nature of the proposal.

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## **Committee Report Item No: 6**

**Application No:** DER/06/12/00727 and DER/08/12/01033    **Type:** Planning and Listed Building Consent

1. **Address:** 27 Wardwick, Derby, DE1 1HA (Former Kwao Thai Restaurant)
2. **Proposal:**  
Change of use from restaurant (Use Class A3) to public house (Use Class A4), external alterations to front and rear elevations and erection of an outdoor bar servery and smoking shelter

3. **Description:**

The application property is a grade II listed building which is located on the southern side of Wardwick within the City Centre Conservation Area. It is a three storey building which forms a group together with no's 25, 29 and 31 Wardwick. The properties date from the late 17<sup>th</sup> to early 18<sup>th</sup> century and originally functioned as a single townhouse. The building appears to have been subdivided into four separate units during the early 20<sup>th</sup> century.

The unit on the ground floor area of the application property was last used as a restaurant, although it has now been empty for some months. It is situated within a row of commercial units. The upper floors of the building are used for residential purposes and a firm of solicitors occupy the upper floors of the adjacent property. To the rear of the site there is a small yard and a nineteenth century two-storey former outbuilding, which is now part of the application property. Whilst, externally, much of the historic building remains on the upper floors, the original ground floor frontage has been removed and a modern aluminium shop front installed.

Planning permission is sought to change the use of the building from a restaurant to a public house. The change of use relates to the ground floor area of the application property only and the upper floors would remain in residential use. An accompanying listed building consent has been submitted for the associated internal and external works to the listed building.

Externally the proposals involve the removal of the existing aluminium shop front and the installation of a timber replacement. The style of the shop front has been amended during the course of the application to provide an improved design solution. The applications also propose alterations to the rear of the building to improve access into the ground floor of the building and create a separate access to the first floor residential accommodation. An outdoor bar servery and freestanding canopy feature would be provided within the rear yard, and 2.1m high walling and gates would separate a newly created patio area from the neighbouring property.

Internally the proposals involve some remodelling of the existing layout. At ground floor level this includes the removal of a length of nineteenth century walling, which presently divides the rear half of the restaurant unit, and the removal of a number of later stud partition walls. An existing timber open tread staircase (within what is thought to have been a former coach house to towards the rear of the building) would also be removed and a replacement staircase installed. The scheme has, however, been amended to ensure the retention of an existing masonry encased nineteenth century staircase, at the Conservation Officer's request. At first floor level, the changes are fairly minimal they involve the addition of stud walls to improve the layout and the creation of a new doorway adjacent to the retained staircase.



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The application site is located within The Environment Agency's Flood Risk Zone 2. It is also located within the City Centre Shopping Area, but not a primary retail frontage, and is within an Archaeological Alert Area. The applications are accompanied by a Design and Access Statement, a Heritage Statement and a Flood Risk Assessment.

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

DER/02/95/00215 – INSTALLATION OF INTERNAL FLUE TO RESTAURANT – listed building consent granted conditionally – 28/04/95

DER/02/95/00214 – INSTALLATION OF INTERNAL FLUE TO RESTAURANT – planning permission granted conditionally – 28/04/95

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

#### **5.1. Economic:**

The proposed works would assist in bringing this empty building back into a viable use. In terms of staff numbers, it is suggested that the public house would provide one full time position and ten part time positions.

#### **5.2. Design and Community Safety:**

The proposed works internally and externally, as amended, are considered to be acceptable and would ensure that the significance of this heritage asset and the character and appearance of the surrounding conservation area are preserved. In particular the design of the proposed shopfront has been altered significantly during the application process to ensure that the style and detailing are appropriate for use on this grade II listed building.

In terms of community safety, no objections are raised by the Police Community Liaison Officer. It is considered that the proposals would not result in any adverse community safety issues.

#### **5.3. Other Environmental:**

No objections are raised by the Environmental Health Officer.

### **6. Publicity:**

|  |     |  |  |
|--|-----|--|--|
| Neighbour Notification Letter          | 8   | Site Notice                                |  |
| Statutory Press Advert and Site Notice | Yes | Discretionary Press Advert and Site Notice |  |
| Other                                  |     |  |  |

*This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.*

### **7. Representations:**

Seven objections have been received in respect of the planning application (ref: DER/06/12/00727) and ten in respect of the listed building consent (ref: DER/08/12/01033). The issues raised are summarised below:

- Concerns about the introduction of another public house in this location and the fact that the premises would be closed for much of the day

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- Concerns about anti-social behaviour associated with public houses such as poor behaviour, increased litter, increased cleaning costs, criminal damage and the potential extra policing required
- The applicant should not be allowed to reinstate a modern shop front where all the other shop fronts further along Wardwick have been converted to their historic origins
- Loss of parking to the rear of the property and impact on the adjacent Cats Protection Shop
- There are too many pubs and restaurants in this area, additional retail would be preferred to encourage daytime visitors

*Copies of all the representations are available to view on the Council's eplanning service:- [www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*

### **8. Consultations:**

#### **8.1. Highways – Development Control**

There are no significant highway implications therefore there are no objections.

#### **8.2. Conservation Area Advisory Committee:**

The Committee raised no objection and agreed to leave to officers that, where there is proposed the removal of the nineteenth century wall, that small nibs are left at the wall junctions to express that a wall was in this location. It was suggested that the colour of the shopfront should be controlled through condition.

#### **8.3. Built Environment:**

The Conservation Officer is pleased to see that the masonry encased nineteenth century staircase is now being retained and suggests that the timber open tread staircase within what is thought to have been a former coach house is recorded before its removal. It is also suggested that the new stairs, within this room, is constructed in timber and attached in a way that can be reversed at a later time.

Demolition of part of the wall between GO1 and GO2a is still proposed. This is identified as part of the nineteenth century phase of works to this building. However, to assist getting this building into use – it is suggested that this is permitted as long as a small stub (perhaps 300mm) is retained at the junction with the other walls – so that this can still be interpreted as having a wall in this location within the building.

In terms of the shop front – the heritage statement having looked at historic photographs suggests that a shop front was introduced in circa 1901 previously there were carriage arches accessing through the building. Therefore the type and detail of shop front proposed is appropriate. The Conservation Officer would prefer to see some alignment between the top of the stall riser and the door panel – could the door panel be lowered too? It is suggested that further appropriately scaled drawing (so they are clearer) are submitted for the new shop front frame (which needs to be less square and is difficult to see at the submitted scale), mullion fin and new door as well as a

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1:1 length of timber sample as we have found that this is the best way to achieve the appropriate section. These items could be covered by condition.

No objections are raised by the Conservation Officer to the revised scheme. Conditions relating to the retention of the wall stub between GO1 and GO2a, submission and implementation of a watching briefing, the method of fixing the new stairs, details of new windows and doors to the rear elevation and making good of the walls, together with details of the shopfront are recommended.

### **8.4. English Heritage:**

Following on from the receipt of amended plans, English Heritage advise that the applications should be determined in accordance with national and local policy guidance and on the basis of the City Council's specialist conservation advice.

### **8.5. Environmental Services- Pollution:**

No objections.

### **8.6. Environmental Services- Food Safety:**

No comments.

### **8.7. Police Liaison Officer:**

Management of all spaces is important including the proposed outdoor uses and is best achieved with a comprehensive CCTV system, which aids not only management but also the safety and security of staff and customers.

## **9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.***

|      |   |
|------|---|
| GD2  | Protection of the Environment                               |
| GD3  | Flood Protection  |
| GD4  | Design and the Urban Environment                            |
| GD5  | Amenity   |
| CC1  | City Centre Strategy  |
| CC2  | City Centre Shopping Area                                   |
| CC18 | Central Area Car Parking                                    |
| S12  | Financial and Professional Services and Food and Drink Uses |
| E18  | Conservation Areas  |
| E19  | Listed Buildings and Buildings of Local Importance          |
| E21  | Archaeology   |
| E23  | Design  |
| T4   | Access, Parking and Servicing                               |
| T10  | Access for Disabled People                                  |

*The NPPF is a material consideration and supersedes the earlier PPG's and PPS's*

*The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.*

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### **10. Planning Officer Opinion:**

The key issues to be assessed in relation to this application are the acceptability of the proposed change of use in this location, in terms of its impact upon the vitality and viability of the City Centre and the amenity of neighbouring properties. Also to be assessed is whether the proposals would preserve the special architectural and historic interest of this grade II listed building and preserve, or enhance, the character and appearance of the City Centre Conservation Area.

#### **The principle of the use in this location/impact upon vitality and viability:**

The site of the proposal is in the City Centre Shopping Area where policy CC2 allows for A3, A4 and A5 uses. Policy S12 also allows for food and drink uses within defined centres in the shopping centre hierarchy, provided that the proposal would not lead to a concentration of such uses, which would be likely to undermine the vitality and viability of the centre. In this particular instance the proposal would result in the replacement of one food and drink use with another and, therefore, the proposal would not lead to a concentration of such uses *per se*. Whilst there are already number of food and drink uses within the vicinity, there are also two non-food and drink establishments remaining within the row: a nail bar and a retail unit. Taking this into account, I feel it would be difficult to argue that the proposal would lead to an over concentration of food and drink uses in this area.

Third party representations raise concerns about the impact the proposal would have on the day time economy within the area, in particular, the impact the change of use would have on footfall during the day. Whilst these objections have been taken on board, given that the current use of the building is a restaurant which also could be closed during the day, it would be difficult to refuse the application on these grounds. Ultimately, the proposed works and change of use would assist in bringing this grade II listed building back into a viable use, thus sustaining the significance of this designated heritage asset long term. Furthermore, securing such use of this vacant property within the conservation area can only be considered to make a positive contribution to both the vitality and viability of the local area and the character of the conservation area. Accordingly it is considered that the proposals would reasonably comply with policies CC2 and S12 in this respect.

#### **Amenity:**

It is acknowledge that the proposed drinking establishment is likely to have a higher turnover of customers than a restaurant and therefore may result in an increase in comings and goings, nevertheless, this is a city centre location where this kind of activity is not uncommon. The development would also create an outdoor servery, with associated seating area, to the rear but this area is of a limited size and, again, this type of facility is not uncommon within the locality. There are potential conflicts between the commercial activities on ground floor of the building and the residential accommodation above, but as both units are within the same ownership, they are subject to control through private lease arrangements. Moreover, and residents living in a city centre location within the vicinity of commercial premises cannot reasonably expect the same level of peace and quiet as those residing in purely residential environments. Taking account of its location of the property within a relatively busy mixed use area, it is suggested that any increase in noise and disturbance would not be so significant to justify refusal.

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### Design/Impact upon the listed building and the surrounding conservation area:

The original ground floor frontage on the application property has been completely removed and is now largely formed of plate glass shop fronts, however, within the group of buildings elements of an earlier early 20th century shop front remain (circa 1901). These include fluted pilasters and moulded plinths which define the frontage of application property and no. 25 Wardwick. The pilasters are topped with moulded capitals which seem to function as the dividing console bracket and a moulded cornice sits above the modern fascia.

The design of the shopfront has been amended during the course of the applications. The revised scheme seeks to reinstate a shopfront of timber classical style, utilising the remaining architectural details of the early 20<sup>th</sup> century shopfront found at ground floor level. Subject to slight amendments in the proportions of the stallriser and door panel, the Conservation Officer considers that the type and details of the shopfront, as amended, are appropriate for use on the building and would respect the character of the listed building and the conservation area.

The Conservation Officer is also satisfied that there is justification for the proposed works internally and, subject to conditions, that the proposals would not have an adverse impact upon the historic or architectural significance of the building. The masonry encased 19<sup>th</sup> century staircase is now being retained, in line with conservation advice. The alterations and extension to the rear of the building are also considered to be appropriate.

Subject to compliance with the conditions recommended by the Conservation Officer and Conservation Committee, the proposed alterations and extensions are considered to be acceptable in terms of their impact upon the listed building and the surrounding conservation area. Accordingly the proposals would comply with policies E18 and E19 of the CDLPR and would ensure that the special architectural and historic interest of this grade II listed building and the character of the City Centre Conservation Area are preserved.

### Other Issues:

Although the application site is located within Flood Risk Zone 2 (with a 1 in 1000 chance of flooding each year), the proposal would not involve a change of use to a 'more vulnerable' use in flood risk terms. The application has been accompanied by a Flood Risk Assessment, which states that occupiers of the building will be given advice in regard to evacuation procedures in the event of a flood and provided with the Environment Agency's Floodline number. Accordingly, there are no overriding objections on flood risk grounds and the application is considered to meet with the requirements of policy GD3 of the CDLPR.

No objections have been received from the Highways Development Control Section. The application site is located within the City Centre and therefore is well served by existing public transport modes, there are a number of pay and display car parking facilities within close proximity to the site along with restricted on street car parking which is also pay and display. The comments with regards to displaced parking are noted, however, as this is a sustainable city centre location provision of off-street parking is not required.

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### **Conclusion:**

The proposed change of use and associated works are considered to be in line with planning policy and will not result in any detrimental harm on the character of this grade II listed building and the setting of the City Centre Conservation Area. Moreover, the proposal is considered to be acceptable in terms of its impact upon neighbouring properties, flooding and highways issues. The proposals would assist in bringing this currently empty building back into use, thus helping to preserve the vitality and viability of the surrounding locality.

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

**11.1. To grant** planning permission and listed building consent with conditions.

### **11.2. Summary of reasons:**

The proposed works would assist in bringing this grade II listed building back into a viable use, thus sustaining the significance of this designated heritage asset long term. The proposals are also considered to be acceptable in terms of design, highways safety and flooding issues, impact upon neighbouring properties and would help to preserve the vitality and viability of the area.

### **11.3. Conditions:**

#### **Planning Application Reference DER/06/12/00727:**

1. Standard 3 year time limit
2. Approved plan reference condition:
  - Site Location Plan at a scale of 1:1250
  - Amended Existing and proposed elevations and proposed site block plan (drawing no: GD/TS/12/008/02 rev: C)
  - Amended Proposed shop front details (drawing no: GD/TS/12/008/04 rev: B)
  - Amended Floor plans: drawing no: GD/TS/12/008/01 rev: B
3. Condition requiring the submission of details of materials and the implementation of the approved details
4. Condition controlling joinery details (new and replacement doors, windows and details of the shopfront)
5. Condition controlling the submission and implementation of a method statement for the making good of walling on the rear elevation of the building
6. Condition controlling details of the shopfront colour

#### **Listed Building Consent Reference DER/08/12/01033:**

1. Standard 3 year time limit
2. Approved plan reference condition:
  - Site Location Plan at a scale of 1:1250
  - Amended Existing and proposed elevations and proposed site block plan (drawing no: GD/TS/12/008/02 rev: C)

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- Amended Proposed shop front details (drawing no: GD/TS/12/008/04 rev: B)
  - Amended Floor plans: drawing no: GD/TS/12/008/01 rev: B
3. Condition requiring the submission of details of materials and the implementation of the approved details
  4. Condition controlling joinery details (new and replacement doors, windows and details of the shopfront)
  5. Condition controlling the details of fixing the new staircase and details of materials
  6. Condition requiring the retention of stubs of walling, where the 19<sup>th</sup> century wall is to be removed on the ground floor
  7. Condition controlling the submission and implementation of a method statement for the making good of walling on the rear elevation of the building
  8. Condition controlling details of the shopfront colour
  9. Condition requiring recording of the staircase to be removed
  10. Condition controlling precise details of the new railings to the rear of the property

### **11.4. Reasons:**

#### **Planning Application Reference DER/06/12/00727:**

1. Standard reason for time limit (planning application)
2. For the avoidance of doubt
3. To safeguard the character and integrity of the listed building and the character of the conservation area ..... in accordance with policies E18 and E19
4. To safeguard the character and integrity of the listed building and the character of the conservation area ..... in accordance with policies E18 and E19
5. To safeguard the character and integrity of the listed building and the character of the conservation area ..... in accordance with policies E18 and E19
6. To safeguard the character and integrity of the listed building and the character of the conservation area ..... in accordance with policies E18 and E19

#### **Listed Building Consent Reference DER/08/12/01033:**

1. Standard reason for time limit (listed building consent)
2. For the avoidance of doubt
3. To safeguard the character and integrity of the listed building.....in accordance with policy E19

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4. To safeguard the character and integrity of the listed building.....in accordance with policy E19
5. To safeguard the character and integrity of the listed building.....in accordance with policy E19
6. To safeguard the character and integrity of the listed building.....in accordance with policy E1
7. To safeguard the character and integrity of the listed building.....in accordance with policy E19
8. To safeguard the character and integrity of the listed building.....in accordance with policy E19
9. To safeguard the recording of features of historic interest....in accordance with policy E19
10. To safeguard the character and integrity of the listed building.....in accordance with policy E19

### **11.2. Informative Notes:**

The applicant is advised to note the comments of the Conservation Officer, who suggests that the new stairs are constructed in timber and attached in a way that can be reversed at a later time.

The applicant is advised that a separate listed building consent application and advertisement consent application (as required) should be submitted for signage on the property.

### **11.3. S106 requirements where appropriate:**

None required

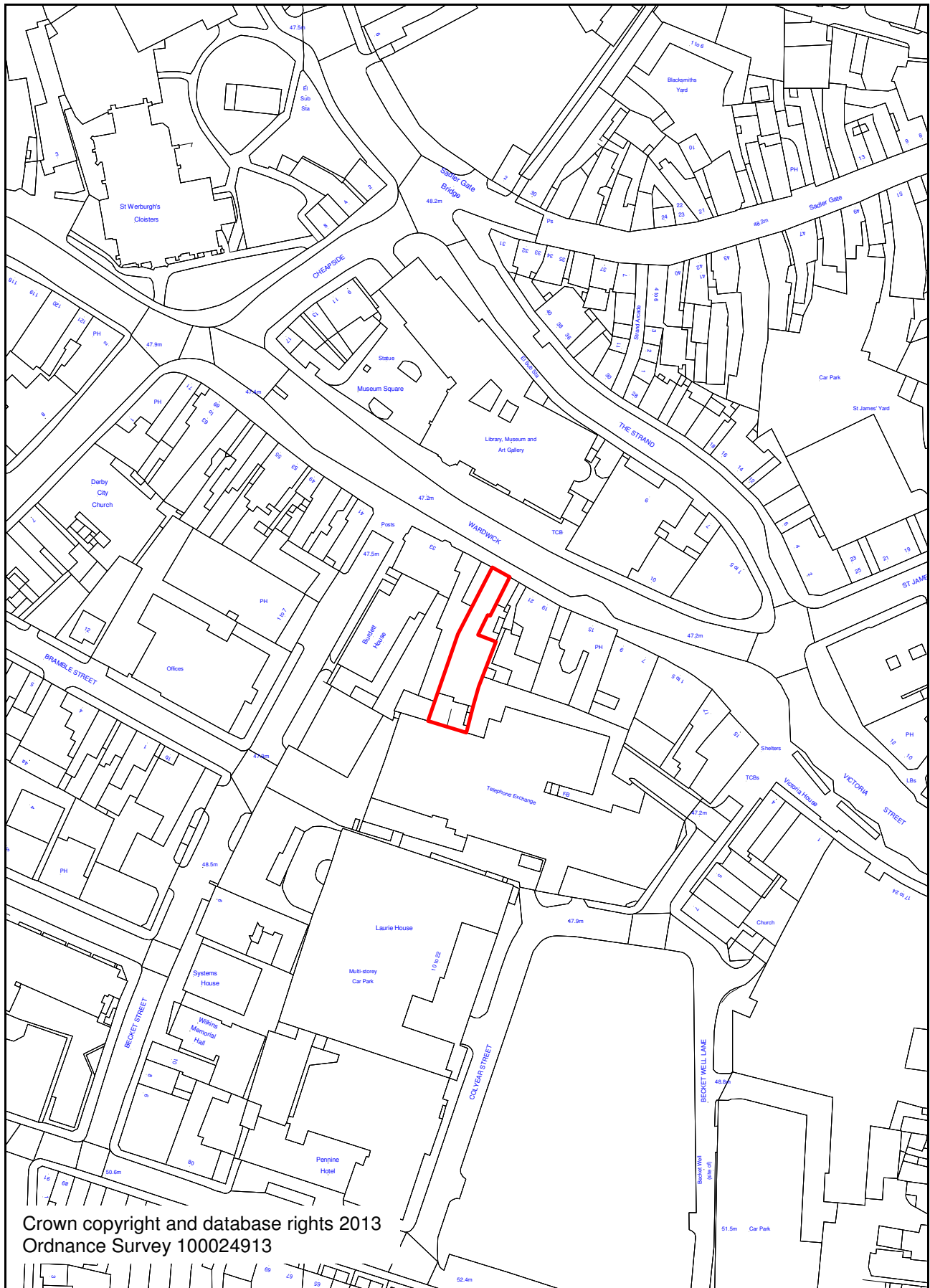
### **11.4. Application timescale:**

The applications have been brought to Committee because over 4 objections have been received. The 8 week timescales for determination of the applications expired on the 10<sup>th</sup> and 19<sup>th</sup> of October 2012.



## Committee Report Item No: 6

**Application No:** DER/06/12/00727 and DER/08/12/01033 **Type:** Planning and Listed Building Consent



## **Committee Report Item No: 7**

**Application No:** DER/12/12/01527/PRI and  
DER/12/12/01528/PRI

**Type:** Full & Conservation  
Area Consent

1. **Address:** Bath Street Mills, Bath Street, Derby

2. **Proposal:**

Demolition of Mill and associated outbuildings and erection of 82 Extra Care apartments with associated communal facilities and formation of car park.

3. **Description:**

The site is located at the northern end of Bath Street just north of the city centre, measuring approximately 0.47 hectares. The site is currently allocated as an existing business and industrial use and comprises the 19<sup>th</sup> Century former mill buildings, with a number of more modern single storey industrial additions. The mill buildings had a variety of uses in their life time, the last of which ceased in 2004. The whole site, including the main mill building and engine house on site were subject to a serious fire in July 2009, and are now in an unstable and deteriorated condition, with some parts having since collapsed. There have been no maintenance works or repairs undertaken on site since the fire. The main 3 storey 19<sup>th</sup> Century Mill building is aligned north to south. Abutting the northern boundary is the former engine house and chimney, much of which is still standing. The remaining buildings to the east of the main mill are largely single storey modern sheds and workshops with corrugated workshops. The site is currently in a dangerous state, and has consequently been boarded off since the fire, preventing any public access. There is only one vehicular access into the site, served from the end of Bath Street. To the west of the mills buildings is a flat area of hardstanding which served as a car park. Further west there is a steep embankment with dense tree cover, abutting Darley Park.

The site is located within the Strutts Park Conservation Area and is part of the Derwent Valley Mills World Heritage Site. An area of public open space surrounds the mill site to the north, west and east, part of which is Green Wedge and includes a Wildlife Corridor extending along the River Derwent to the east of the site. Immediately to the south is Rivermead House; an 11 storey tower block. Nearby listed buildings, of which the site forms part of the setting are the Grade II listed Handyside Bridge and the Georgian dwellings on North Parade. Directly to the south of the site is the Grade II listed St. Alkmund's Well. There are also other sites of archaeological interest within the surrounding area. The site itself is not statutorily listed. Being directly adjacent to the river, the majority of the site is located within Flood Zone 3 and the western perimeter is located within Flood Zone 2. This area of the city is subject to the recently adopted strategic masterplan for flood defence improvement, 'Our City Our River' (OCOR). OCOR is Derby City Council and the Environment Agency's shared vision to reduce flood risk in Derby and to transform the city's relationship with the River Derwent by helping to encourage economic regeneration in areas currently at significant risk of flooding. It forms one component of the Environment Agency's wider Lower Derwent Flood Risk Management Strategy.

Full planning permission is sought for the redevelopment of this industrial site. The scheme proposes the demolition of the mill and all associated outbuildings; and the erection of 82 Extra Care apartments, all of which are 2 bedroomed units; with associated community facilities and car parking. The associated community facilities include shared dining/lounge/hobby areas, a shop and a hair salon. Due to the sites

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location in a Conservation Area, an accompanying application for Conservation Area Consent has been made for demolition of all the buildings on the site.

The planning application proposes re-development of the site, by erection of a building of contemporary design, at four storeys in height. The new building generally consists of a 'C' shaped footprint, with the frontage elevations following the old building line of the mill along the western elevation and the south and north boundaries of the site. The design would have a flat roofline, with elevated corner features. The fenestration is to be deep recessed and the elevational treatment would be primarily brick with timber boarding and composite panels to break up the mass and provide visual interest. The riverside, east facing elevation, would have a stepped form and in the centre there would be an open communal space for the residents, to enable views towards the open space and the river. Due to the incorporation of inbuilt flood defences, the ground floor of the building will be approximately 2.5 metres above the existing ground level. The proposed development is largely contained within the footprint of the existing buildings on site.

To the west of the proposed building is the parking and turning area which contains 35 spaces; inclusive of 6 disabled spaces and 1 ambulance space. The existing vehicle and pedestrian access would serve the site from Bath Street and would be open, without gates. It is to be subdivided into separate 5.6 metre width for vehicles and 1.25 metre for pedestrians. An additional gated pedestrian access is proposed at the north of the site to enable direct access onto Darley Park. This is labelled as a Flood Egress Route for occupants of the development on the Site Layout Plan.

The application also seeks permission for the removal of 26 individual trees and 1 small group containing 4 trees. The trees are of varying type and maturity and are located on the steep bank to the west of the building.

The application is accompanied by a Design and Access Statement, an Arboricultural Survey, an Arboricultural Method Statement, a Traffic Statement, an Archaeological Report, a Fire Damage Report, a Flood Risk Assessment, a Phase 1 Desk Top Study Report, a BREEAM Pre Assessment Report, an Ecological Assessment and a Heritage Statement.

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

**DER/12/09/01438** – Felling of oak and removal of overhanging branches of sycamore and ash tree within Strutts Park Conservation Area. Raise no Objection 19/01/2009.

**DER/09/07/01791** – Conversion of mill to form flats and offices (B1 use class) and erection of 4 and 5 storey building, to form 93 apartments, formation of car parking area, demolition of buildings at rear and erection of railings. Granted conditionally 05/03/2008.

**DER/09/07/01792** – Conservation Area Consent for demolition of buildings at rear of the mill. Granted conditionally 06/03/2008.

**DER/03/07/00626** – Conversion of mill to form flats and offices (B1 use class) and erection of 4 storey building, to form 92 apartments, formation of car parking area, demolition of buildings at rear and erection of railings. Withdrawn 30/07/2007.

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**DER/03/07/00628** – Conservation Area Consent for demolition of buildings at rear of mill. Withdrawn 30/07/2007.

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

#### **5.1. Economic:**

The entire 0.47 hectare site is currently allocated in the adopted Local Plan as existing business /industrial land. The proposal would result in a loss of employment land from this location

The development would deliver an affordable housing scheme which would deliver extra- care accommodation for older people in the city. The scheme would provide 82 units of which 100% would be classed as affordable. The housing scheme is to be managed by a housing association to meet the housing needs of the local area.

#### **5.2. Design and Community Safety:**

The proposed development is designed to be of a different character to the existing mill and associated buildings; being contemporary in style. It was decided a contemporary approach would be more appropriate, retaining authenticity which is a key principle of World Heritage Sites. The approach is also considered to be sensitive and one which would respect the character and appearance of the Conservation Area. Overall the development would make a positive contribution to the surrounding area and remove a derelict and unstable building, which is not capable of being renovated or restored to its original condition.

The proposal would significantly enhance natural surveillance around the site, by the introduction of residential accommodation on all four sides of the building, with overlooking of the adjacent public space and Bath Street, providing a secure environment for local residents. The development would also have a single secure point of entry to the site to allow control over access. Perceived safety for local residents and users of the adjacent open space is also likely to be improved by the proposed residential use of the site.

#### **5.3. Disabled People's Access:**

Ramped access is provided to the main entrance, and into the ground floor foyer (approx. 2.5 metres above existing ground levels). An internal open platform lift also provides access to the foyer. Accessible routes throughout the building are included via lifts; and full mobility access is provided to all apartments.

Compliance with Building Regulations will ensure a degree of accessibility throughout the scheme as a whole.

#### **5.4. Other Environmental:**

The application proposes the removal of a number of trees on site (26 individual trees and 1 small group containing 4 trees). These trees are located on the steep bank to the west of the building. The application was accompanied by an Arboricultural Assessment which states a number of the existing trees are of a poor quality. The thinning of the existing tree coverage would benefit the long term health and retention of the remaining trees.

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The application site is adjacent to a designated Wildlife Corridor, and an Ecological Assessment was submitted as part of the application. Sufficient information in regard to the presence of protected species on and around the site has been supplied, and no evidence of roosting bats or other protected species were found. Appropriate conditions regarding demolition of the site and removal of the trees will safeguard any flora or fauna which may be affected.

The development proposal has been assessed under the BREEAM Methodology for assessing the sustainability credentials of new development. The scheme has the potential to achieve a “Very Good” rating, which would mean it would have a relatively low environmental impact.

### **6. Publicity:**

|  |     |  |  |
|--|-----|--|--|
| Neighbour Notification Letter          | 110 | Site Notice                                |  |
| Statutory Press Advert and Site Notice | Yes | Discretionary Press Advert and Site Notice |  |
| Other                                  |     |  |  |

### **7. Representations:**

The application has been publicised by means of a press notice, the display of 3 site notices in various locations adjacent to the site and 110 letters to properties adjoining the application site. This is in accordance with statutory requirements and the requirements of the Council’s adopted Statement of Community Involvement. A longer consultation period than normal was given due to information on the web site being made available following the Christmas period.

Three letters of objection, one letter of support and two letters of comment have been received. The content of these letters are summarised below:

#### **Objections:**

- Design not true to the original Mill building.
- Design and materials proposed are not of sufficient quality in this highly sensitive location.
- The cost of the build is seen as a more important issue than preserving the heritage.
- The proposals do not enhance the Conservation Area, or World Heritage Site.
- Plan involves the demolition of the chimney, this should be retained.
- Flood risk. The site is not an acceptable location for vulnerable people.

#### **Support:**

- Proposals offer an appropriate use for this important, derelict site.

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### **Comments:**

- Measures should be taken to ensure the maximum amount of sustainability possible.
- Where will the contractors park when building works are taking place. It is important this does not impact on local streets which already have parking problems.
- How much funding has Derby City Council provided to this scheme? Can the City Council explain why a decision was made to support this rather than flood defences?
- Is flood management incorporated into the build?
- The consultation meeting held in November 2012 was not well advertised in Strutt's Park giving residents little opportunity to consider the proposals.

*Copies of all the representations are available to view on the Council's eplanning service:- [www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*

## **8. Consultations:**

### **8.1. Housing strategy**

Housing Strategy and Development support the redevelopment of the former Bath St Mills site. This will provide much needed suitable, affordable housing for older people in the City.

The scheme has been developed sympathetically to the needs of the client group and will enhance local facilities.

### **8.2 Highways – Development Control:**

It is considered that the car parking provision of 35 spaces is acceptable for this type of proposal in this location at the end of Bath Street. The Bath Street Mills site is in a sustainable location and the trips generated by the site will reduce in the wider residential development.

Waste and Recycling facilities will need to be confirmed with Derby City Councils Waste management to ascertain the type and sizes of bins required for the development and the bin storage area which should be located within 25 metres of the highway for collection purposes.

Details of the site and location of cycle storage facilities will need to be indicated, preferably integral to the building. These will need to be submitted and approved by the LPA before the development is brought into use.

Following submission of revised layout drawings, the provision of parking is acceptable for this type of proposal in this location at the end of Bath Street.

Although the gates have been removed from the access it appears that there is still a post at the entrance and this would require removing to ensure maximum usage of the width which appears to be 4.2metres wide.

The disabled space adjacent to the access should be an ambulance/mini bus space which should have dimensions 7.2m x 3.5m to allow for the setting down and picking up of residents.

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The revised layout plan has a narrower width of access to the site, although with omission of gates and pillar to the vehicle and pedestrian route, the access would be acceptable, in highway safety terms.

### **8.3 Highways – Land Drainage:**

The development would appear to be reasonable if; it is to be at or near existing ground level, behind flood defences at least 600mm above the highest level for flooding, refuse is capable of being removed from site, without risk of pollution of the river and source control of surface water run off.

Should planning permission be granted then conditions need to be attached to control foul and surface water drainage scheme, to include sustainable drainage features, floor levels, surface water run-off and design of refuse bin stores

### **8.4 Internal Built Environment:**

The proposal is believed to be of its time and would sit in the background rather than being a landmark structure. This would continue to allow the more important elements of the Conservation Area and wider World Heritage Site to remain dominant and the new building would not detrimentally impact on the character and setting of the areas. Therefore the proposal would be acceptable.

A scheme for the new flood defences along the eastern elevation of the development appears to be acceptable has been agreed in principle. This involved a bund being built up to the brick wall and covered in grass or other easy to maintain foliage. This would allow the continuation of a park atmosphere within this area which could be detrimentally impacted upon were the wall to be built to its full height without any built relief.

No objections to the proposals, subject to approval of the bricks, brick bond, mortar mix, metal roofing material, rainwater goods, detailing and materials to windows including setbacks, doors and balconies. Any flood defence wall will need to relate to the Victorian character of this part of the city in terms of colour, bonding pattern, mortar mix and coping as it will need to extend southwards in a similar style. Landscaping materials and detailing including proposed public art and interpretation boards of history of area should also be subject to approval.

### **8.5 Natural Environment:**

Standard conditions required to ensure tree protection is in place before and during construction works as per submitted method statement and tree protection plan.

### **8.6 Conservation Area Advisory Committee:**

No objection. Committee recommend that conditions be put on with regards to archaeology, that no further structures be added to the roof, interpretation boards be provided to show the history of the site, appropriate materials be used.

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It was also recommended that options be discussed in regards to the retention or rebuilding of the chimney upon the site. This may be incorporated as part of the building.

### **8.7 Arboricultural Section:**

No comments.

### **8.8 Environment Services – Landscape:**

Plan indicates that the flood defence extends outside of the application boundary on the north corner – this needs to be contained within the ownership area.

The west boundary is visually important and the detailed design of the planting and new boundary railings should be of high quality and recommend these details are conditioned.

### **8.9 Sport Leisure and Parks:**

No comments.

### **8.10 Internal – Pollution:**

#### **Land Contamination:**

Due to the site's historical use, it has been identified as 'potentially contaminated'. I note that a Phase I Desk Study Report has been submitted with the application and I would comment on this Report as follows:

CL1. The study uses appropriate guidance and methodology and is sufficiently detailed.

CL2. The report highlights a number of potential sources of contamination on site due to historical uses of the land as a textile and dye works, a coatings (paints and printing inks) manufacturing works and a road vehicle fuelling, service and repair operation.

CL3. The report details a conceptual site model and proposes that a Phase II exploratory site investigation will need to be carried out for the site. I would agree with this recommendation.

I would recommend that conditions are attached to any consent requiring Phase II site investigation and remediation where contamination exists.

#### **Light Nuisance**

I have a degree of concern over the potential for light nuisance to occur from lighting proposed within the new car park, given the proximity of this location to the properties on the corner of North Parade/Well Street.

I do accept that at present however, there is a band of trees/vegetation between these properties and the car park which may provide adequate protection, but would therefore encourage the decision to retain these. Should any vegetation be removed from this location, then lighting should be arranged in such a manner so as not to cause a nuisance to those properties, via appropriate location, direction and/or brightness.



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It may be prudent to request a lighting scheme from the Developer in order to ensure this aspect of the development is properly managed. Alternatively, an advisory note on this matter may well be sufficient.

### **8.11 County Archaeologist:**

Bath Street Mills (Derbyshire HER 32077) is a three-storey brick silk mill built in 1848 and extended in 1868 to produce silk elastic and web. The complex was latterly in use as a furniture factory until closure in 2004. The building was recently much damaged by fire, but remains one of only four surviving industrial mill buildings in Derby. The Mill buildings are not listed, and stand within the Strutt's Park Conservation Area and the Derwent Valley Mills World Heritage Site. In addition to the industrial heritage and archaeology of the site, there is potential for buried archaeology of medieval date, associated with the adjacent St Alkmund's Well, mentioned in a 14th century charter (HER 18992), and with the Roman settlement located around the Strutt's Park fort (HER 32523).

The application is accompanied by a heritage statement and archaeological assessment (at least partially compiled in 2007 before the fire damage to the building). I recommend that this submission is sufficient as an assessment of the significance of the heritage assets on site and of the proposed development impacts to these assets – at least in relation to archaeology – in line with NPPF para 128.

The proposals will involve the complete loss of the built heritage assets on the site, with demolition of the fire-damaged mill buildings. Development appears largely to be constrained within the footprint of the mills, where impacts to earlier archaeology are unlikely, but there may be impacts from the proposed car parking area to the west of the Mills. Groundworks on the site may also encounter buried remains associated with the mill complex and its outbuildings.

Consideration of the case for demolition of the buildings is primarily a matter for the City Council's conservation officers – and for the World Heritage Site team – against the relevant policies at NPPF chapter 12, and I recommend that the application be determined in line with the advice of these consultees.

Should the benefits of redevelopment be considered to outweigh the loss of the heritage assets on site, then there is clearly a case under NPPF para 141 for these assets to be recorded before the development proceeds and for this work to be secured by condition. This would involve historic building recording of the 19th century mill buildings – this would probably be limited by robust safety measures in light of the fire damage, but it should be possible for an acceptable record to be assembled using reflectorless techniques.

In addition, once the demolition, groundworks and foundation methodologies are fully formulated there may also prove to be impacts on buried archaeology which should be addressed through targeted trenching in advance of development and/or watching brief during development groundworks.

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### **8.12 Environment Agency:**

No objections, in principle, to the redevelopment of Bath Street Mills as a residential facility with due regard being paid to the visions and aspirations of the Our City, Our River Masterplan.

It should however be noted that if there is a flood event prior to the completed Bath Street Mills flood defences being tied into the wider Our City, Our River flood defences then there is the potential for the proposed residential development to be surrounded by floodwater.

Derby City Council as decision-maker and Lead Local Flood Authority should satisfy themselves that the building will be structurally sound and that safe access and egress is available to and from the building during such an extreme flood event.

### **8.13 Derbyshire Wildlife Trust:**

The application is supported by a Preliminary Ecological Assessment prepared by Brindle and Green Ecological Consultants dated October 2012. The report presents the results of a walkover survey of the site carried out by a suitably qualified ecologist on 13<sup>th</sup> November 2012, and was informed by an appropriate data search which is welcomed.

We are aware of previous bat surveys of the site carried out in 2007 which found no evidence of roosting bats. Although the findings of the previous surveys are too old to be considered as part of the current application, they do nevertheless provide some background to the site's suitability to support bats. Since 2007, the site has been subject to considerable fire damage which we concur has significantly lessened their suitability to support bat roosts.

No evidence of bats was found during the building assessment and none of the trees on the site were considered to support features suitable for roosting bats.

Given the current state of the buildings on the site we would advise that it is likely the assessment that has been undertaken for bats has been sufficient to determine the level of bat roost activity associated with the site.

No evidence of badger was found on the site although the woodlands within the site were considered to support suitable badger habitat.

We support the recommendations that no vegetation clearance should be carried during the period March to August when nesting birds are most active and that a pre-construction check for badger should be carried out.

We fully support the recommendation for the incorporation of biodiversity enhancement measures to include the incorporation of bat roost features within the development design.

There are unlikely to be any other protected species issues or ecological constraints arising with this application.

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### **8.14 Police Liaison Officer:**

Fear of crime, nuisance and vandalism from the area to the South, Rivermead House, and past the derelict Mill, has been an on-going problem for a number of years. This development will greatly benefit the area by providing increased natural surveillance and active edges by the re use of this land for residential use. Public footpaths on each side will now be and feel safer to use, despite some enclosure and separation by the floodwall when completed.

A secure boundary and gated access is welcomed to provide a secure living environment for the over 55's and protection for some of the more vulnerable members of our society.

I am content with this application from the designing out crime angle. My only recommendations are the consideration of natural access control into the building as a first line of defence, as well as recommending the minimum-security recommendations from the Secure by Design scheme is adopted.

The main entrance and gated area is overlooked from the southeast corner on the outside elevations and has a presence much like a sentry point to the airlock double door entry system. This important space is proposed to be used by a Hair Salon. This control point would be better used for office / reception or 24 hours warden use to offer greater natural access control and a human presence to this area to monitor, manage and control the space, without CCTV, and the on-going maintenance costs involved. The indicated care office/reception has no view.

It is a well-proven and successful concept of crime prevention through environmental design (CPTED) to position an extended hours use to add control, real and physiological, as a deterrent to the entry space and provide natural access control and surveillance at no cost by design layout.

### **8.15 English Heritage:**

Para's 131, 132 – 134, 137 and 138 of the NPPF are all relevant to assessing the proposals for demolition of the remains of the historic Bath Street Mills. Para 138 comments that not all buildings within a Conservation Area or WHS will necessarily contribute to significance. The loss of a building which does make a positive contribution should be assessed as either substantial or less than substantial harm to the conservation area and/or WHS. In both cases a clear and convincing justification must be presented for proposals that would cause harm to the significance of a designated heritage asset. Even though the Mills have been badly fire damaged in 2009, it is considered they still make a positive contribution to both the conservation area and WHS; therefore convincing justification needs to be provided for the demolition; and that there are no viable alternative uses.

Para 131 further comments on new development making a positive contribution to character and distinctiveness.

### **8.16 Derwent Valley Mills Partnership:**

No comments received.

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### **8.17 The Victorian Society:**

Object to the scheme due to the harm it would cause the character of the conservation area and World Heritage Site. The submission also fails to provide sufficient justification for the demolition of the interesting and impressive historic survival.

The remains that survived the 2009 fire continue to make a positive contribution to the conservation area and WHS. The conclusion of the structural report state the building is not beyond repair and re-use, and there are ways to ensure its structural wellbeing.

Any further comments received following receipt of updated Heritage Statement and design drawings will be reported.

*Copies of all the comments are available to view on the Council's eplanning service:-  
[www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*

## **9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.***

|      |  |
|------|--|
| GD1  | Social Inclusion                                       |
| GD2  | Protection of the Environment                          |
| GD3  | Flood Protection                                       |
| GD4  | Design and the Environment                             |
| GD5  | Amenity  |
| H11  | Affordable Housing                                     |
| H13  | Residential Development – General Criteria             |
| EP11 | Development in Existing Business and Industrial Areas  |
| E6   | Wildlife Corridors                                     |
| E9   | Trees  |
| E10  | Renewable Energy                                       |
| E13  | Contaminated Land                                      |
| E16  | Development Close to Important Open Land               |
| E17  | Landscaping Scheme                                     |
| E18  | Conservation Areas                                     |
| E21  | Archaeology  |
| E23  | Design   |
| E24  | Community Safety                                       |
| E29  | Protection of World Heritage Site and its Surroundings |
| L2   | Public Open Space Standards                            |
| L3   | Public Open Space Requirements in New Development      |
| T1   | Transport Implications of New Development              |
| T4   | Access, Parking and Servicing                          |
| T6   | Provision for Pedestrians                              |
| T7   | Provision for Cyclists                                 |
| T8   | Provision for Public Transport                         |
| T10  | Access for disabled people                             |

*The NPPF is a material consideration and supersedes the earlier PPG's and PPS's*

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*The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.*

### **10. Officer Opinion:**

#### **Policy issues**

The site of the proposal is in an existing business and industrial area where EP11 allows for residential development provided that the industrial land supply is not adversely affected and that an adequate living environment be created. The site is relatively small in relation to the overall industrial land availability in the city and its redevelopment is, therefore, unlikely to lead to a deficiency in the overall supply of employment land. This proposal would remove the potential for continued general industrial use in the Bath Street area, which will improve the local environment for existing residents with a more compatible residential use.

In terms of the principle of developing the site for residential accommodation, regard must be had for the previous permission for 93 apartments, granted in March 2008. The application site constitutes previously developed land and is situated in a highly accessible and sustainable location, close to the city centre and linked by a pedestrian and a strategic cycle route to the centre. It is therefore considered that the site is suitable for the high density of development proposed, in line with the objectives of Policy H13. The proposal would also meet the City Council's aspirations for provision of affordable and extra-care accommodation within an area of local housing need and would add an important facility into the City's housing stock, which accords with the requirements of H11.

The existing buildings are in a very poor state of repair due to the fire damage in 2009, and subsequent exposure to the elements since this time. Although the buildings on site are not listed, they are of historical significance, positively contributing to the character and appearance of the Darley Abbey Conservation Area and the World Heritage Site. The Bath Street Mills site has been specifically included within these designations because of its importance to the industrial heritage of the city and the Derwent Valley. For these reasons, the proposed demolition and redevelopment of the site is a balanced issue, needing very robust justification and consideration of the impacts.

#### **Design and Conservation**

Under Policy E18 and para138 of the NPPF, the loss of heritage assets, which make a positive contribution to the Conservation Areas are only considered acceptable, where the proposal would not result in substantial harm to the character of the area or where the proposal is likely to have particular benefits which outweigh the harm to the heritage asset. In either case the loss of the historic buildings must be subject to convincing justification. Policy E29 requires development proposals to respect the special character of the World Heritage Site. This site is within the World Heritage Site and is considered to be of particular significance to the industrial evolution of the Derwent Valley. It is therefore of key importance to the World Heritage Site and any development proposal needs to have regard for and respect its special character.

The former 19<sup>th</sup> Century mill buildings have considerable historical significance to the conservation area due to their role in the city's early industrial growth. Prior to the fire,

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which caused substantial damage to the main mill building and engine house, the buildings were largely intact and made a significant positive contribution to both the Strutts Park Conservation Area and the World Heritage Site. The previous residential scheme, which was granted permission in 2008, but not implemented, incorporated conversion and restoration of the main mill building, but did include loss of the engine house and chimney. It was unfortunate that the mill buildings have been severely affected by fire, since a conversion scheme would have been the preferred way forward. It was initially requested that the building's facade be retained and reused as part of a re-development proposal. However, it has since become clear that the severity of the damage to the building, means that this is not a realistic option. The fire resulted in extensive damage to the historic building, including structural harm, which has resulted in the site being cordoned off, with no access. The buildings have since deteriorated further, with partial collapse of the main frontage. The engine house is also in a poor condition. These events mean that the buildings are structurally unstable and would now need to be taken down, before rebuilding and refurbishment could take place. Demolition of the buildings on the site is therefore considered to be appropriate to allow rebuild to take place, with a scheme which would preserve and enhance the character of the Conservation Area and the World Heritage Site. This is consistent with policies in the NPPF which require weighing up the impact of the proposed development on the significance of the designated asset, compared to the harm caused through loss or destruction of the asset. Given that the asset has been substantially destroyed by fire and subsequent collapse, it would not be possible to retain it for a viable re-use in its current form. This would be in line with paragraph 133, which states that the "nature of the heritage asset prevents all reasonable uses of the site."

A contemporary approach to the redevelopment of the site has been adopted, rather than a reproduction of the historic industrial building, which is intended to retain authenticity, a key principle of World Heritage Sites. An initial design approach that was recommended was that a mill style building be constructed to the western side of the site to retain the traditional character of the area and reflect the industrial heritage and character and feel of the site. This was to be augmented by more modern wings to ensure that the building could be read as clearly modern. This would have given the proposal a robust feel, the story of the site could have been understood and a pleasant design achieved. This approach can be seen throughout Europe where it is relatively common to reinstate missing architectural elements and buildings which have been lost, mainly through World War II bomb damage. This has been used as an acceptable approach to this problem within World Heritage Sites in Europe.

However when these proposals were presented to the World Heritage Site Planning Panel at pre-application stage, it was felt that a more "authentic" approach should be taken. This approach is equally valid and follows the philosophy of the early conservationists such as William Morris who believed that buildings should be of their time and period. Therefore modern buildings should be that, rather than trying to re-create the past. It was also thought that the proposal should show development and change over time. The proposed buildings would however, still need to fit in with the character and appearance of the surrounding area, using high quality materials and craftsmanship, necessary to achieve a successful design which would preserve the character of the Conservation Area and the World Heritage Site.

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The views of the World Heritage Site Planning Panel were also shared by the Conservation Area Advisory Committee. Following the comments made by these heritage consultees, the applicant has gone for a more contemporary style development, rather than a more traditional approach to the original façade. To ensure that the character of the building reflects the historic context and the wider World Heritage Site, the design incorporates deep setbacks to the window openings and dark metal sheeting to the roofs to retain a local distinctiveness and feel that could otherwise be lost. There is a need to keep a rhythm of windows. The building has evolved through the design process with variety and changes in height, fenestration pattern and in some cases the introduction of more decorative elements. These include the insertion of render and cladding to the east elevation to create visual interest and prevent the building becoming overly repetitive. With this approach to the design it would not be appropriate to recreate the chimney stack as a feature as this would be contrary to the philosophy which has been recommended to be followed. Its reconstruction would not be authentic and would introduce an element which would not be in keeping with the architectural form of the proposed building.

The proposed development, although of a modern design, is considered to be appropriate in this location in terms of its scale, massing and overall form. This is unmistakably a large development, where the façade of the proposals have been designed as a series of separate three-storey masonry villas, visually separated from each other with projecting sections and rendered panels. They are capped with a lightweight dark metal profiled cladding system which forms the upper storey. The overall scale of the proposed extra care building is comparable to the existing mill, only marginally higher and of a similar length. Care will still need to be taken in particular with the materials to both the main facades and particularly to the plinth flood prevention element. The detailing of the brick will be very important as a bland substantial wall at pedestrian level particularly to Bath Street where it will sit adjacent to the residential tower blocks could create an uncomfortable space which would discourage use. It would therefore be recommended that different bricks and bonding patterns be used to create visual interest and highlight the differences between the plinth element and the upper floors which are broken up with fenestration.

The proposed formation of a flood defence wall and bank butting up to the wall, which would form the eastern elevation of the development is considered too have an acceptable impact on the historic setting, subject to appropriate design details and facing materials and landscaping. It would allow the continuation of a park atmosphere within this area which could be detrimentally impacted upon were the wall to be built to its full height without any built relief. It should allow the building to sit relatively comfortably within the current park setting. This element is key given that the design of future flood protection will have to tie in with this scheme to ensure a cohesive approach to the river within the Conservation Areas of the city. Therefore any flood defence wall will need to relate to the Victorian character of this part of the city in terms of colour, bonding pattern, mortar mix and coping as it will need to extend southwards in a similar style.

The proposed contemporary design is considered to be of a sufficiently high quality, in terms of its form, scale and palette of materials to protect on the setting and

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character of the Conservation Area and the World Heritage Site, in accordance with the policies of the NPPF and Local Plan Policies E18 and E29.

### **Neighbouring Amenity**

The nearest residential properties are located to the south of the application site within Rivermead House, an 11 storey apartment block. Rivermead House is at an angle to the proposed development, approximately 7 metres from the south facing elevation of the proposed building, at its minimum distance. The windows and balconies to flats on the north elevation of Rivermead House would not directly face the nearest habitable room windows of accommodation within the development on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor levels. Furthermore, the two buildings will be separated by the existing access road alongside Rivermead House. The architect has sought to minimise potential overlooking between residential flats, by orientating the main living room openings to the riverside facing elevation. The windows, on the south side of the development would be mainly to bedrooms with secondary living room openings. Whilst there may be some impact on privacy of the occupants of Rivermead House from the proximity of the proposed accommodation, the relationship between the openings would be such that possible overlooking should not be unreasonable. The distance between the apartment block and the proposed built frontage is similar to the existing and with a residential development in this location, there would inevitably be some impact on existing occupants. Overall, I am satisfied that the relationship of the development is acceptable and there would not be excess loss of privacy for occupants of Rivermead House.

The overall scale and massing of the western elevation of the scheme is similar to the previous buildings on site, where the main increase in mass is along the eastern boundary with the river (away from neighbouring properties). Other properties along North Parade are some distance from the extra care apartments, and are therefore not considered to experience any detrimental massing, overshadowing or overlooking from the scheme. Overall, in terms of impact on the amenities of neighbouring residents, the proposed development is considered to be acceptable and therefore accords with Policy GD5.

The Environmental Health Officer has raised concerns over the potential for light nuisance to occur from lighting proposed within the new car park, given the proximity of this location to the properties on the corner of North Parade/Well Street. There is currently a band of trees on the steep bank to the west that provide an element of screening however some of these are proposed to be removed. To ensure light pollution does not cause a nuisance to residents on North Parade, a planning condition to secure submission of a lighting scheme is recommended.

### **Trees and the Natural Environment**

A number of trees within the site are proposed to be removed as part of the application. All of these trees are located on the steep banked area to the west of the proposed building. An up to date tree survey has not been provided with the application as the site is inaccessible due to the dangerous fire damaged structures. The survey that was undertaken in 2007 has been included with the submission, which surveyed all trees on the site, and a number of the trees surrounding the site. When surveyed, the trees were in mixed condition and lacking recent management. The survey identified a need for thinning of the wooded areas to enhance the health



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of the retained trees, providing sufficient space to develop to their full potential, whilst maintaining some degree of screening. The majority of the trees to be removed have been categorised as retention category C or below, which are considered to be insufficient quality to inhibit development.

The Arboricultural Survey carried out in 2007 could not be updated, due to the site being inaccessible. However the assessment undertaken then, is considered to still be relevant for this scheme and provides a good indication of the likely current condition of the trees. The survey identified that there had been a lack of management and maintenance of the trees on the embankment. It is therefore considered that the removal of the trees as proposed would allow thinning and opening up of the dense canopy and improve the long term retention of retained trees. The appearance of the site can also be enhanced by additional tree and vegetation planting, as part of a landscaping scheme for the whole site. To ensure all remaining trees on and adjoining the site are protected sufficiently, a tree protection and method statement condition is suggested to be added to the permission, requiring a scheme of protection to be submitted and agreed. There is also likely to be a requirement for a no-dig method of construction for trees on the embankment, which are close to the proposed car parking area. This is to prevent the root protection areas of these trees being damaged by the ground works. This can also be secured by a suitable condition. The groups of trees which lie outside the site to the north and east of the building are within public open space and were partially surveyed in 2007. Most of the trees in these areas are densely planted groups, which have amenity value as a group, but not individual merit. The development proposal does not propose works to these trees and they should not be adversely affected by the scheme, because the building is to be constructed within the existing footprint. Any works to do works to the trees outside the site, would require a separate prior notification as trees within the Conservation Area. The overall development proposal would retain much of the green character of the site and its setting within the Conservation Area and World Heritage Site, which would accord with Policies GD2 and E9 of the Local Plan.

### **Flood Risk and OCOR**

The proposed development needs to be able to meet the requirements of Policy GD3 and the policies in the NPPF in regard to safeguarding the development and surrounding area from the risk of flooding. The site is within Flood Zone 3, as designated by the Environment Agency, which means that it is at a high risk of flooding in a 1 in 100 year flood event. The potential flood risk would arise from the River Derwent, which is currently protected by flood defences, but these are not to the 1 in 100 year level, which is required to protect the development. Under the NPPF and its associated Technical Guidance, residential uses are defined as 'more vulnerable' and a sequential test and exceptions test have therefore been undertaken to assess the acceptability of residential accommodation on this site. The proposed residential scheme has satisfactorily addressed the sequential test on the grounds that there would be significant regeneration benefits to the proposal, due to the fire damaged condition of the existing buildings on site and the site's historical importance to the World Heritage Site. The role of the development in bringing forward new flood defences as part of the Our City Our River Masterplan (OCOR) is also a key consideration.

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The application site is included as one of the preferred locations for improvements to the city's flood defences along the River Derwent corridor, enshrined within the recently adopted OCOR. The proposal would be the first scheme to incorporate flood mitigation measures, as part of the implementation of the masterplan. Delivery of the masterplan is a long term objective, with sections of new flood defences being brought forward either as part of new development schemes, such as this one, or when funding becomes available.

The applicant has engaged with the Environment Agency and the City Council, to incorporate a flood defence scheme and flood mitigation measures into the development, to ensure that the development fits in with the intentions of OCOR, for this section of the river corridor. The proposal would also be protected to the level of a 1 in 100 year flood event, plus climate change, to safeguard future occupants of the building from flood risk. The finished floor level of the building is to be raised to 2.5 metres above the existing ground level to the eastern boundary, to provide the required flood protection. Egress for residents in the event of a flood would be via a proposed raised footpath to Darley Park, to be formed at the north west corner of the building. This would provide a dry route for occupants out of the building and subject to agreement of the design and construction, is considered acceptable to achieve flood protection for the building. To form a new flood defence as part of the development, in line with the OCOR strategy, the applicant proposes to form a structural retaining wall, which would be the base of the eastern elevation of the development. Abutting up to the retaining wall, a landscaped embankment would be formed to tie in with the open space, which is adjacent to the site. The flood defence retaining wall and bank would be sited wholly within the application site. The Environment Agency is satisfied with the principle of the proposed flood defences, which effectively would be the east fronting wall of the building. The details of the construction, engineering design and materials to be used in the flood defences can be appropriately secured by suitable planning conditions. The Environment Agency have agreed to this approach and the precise wording of conditions 15, 16 and 17 would be in consultation with them. A satisfactory flood defence scheme is proposed to be incorporated into the building and appropriate mitigation measures for flood risk are to be included within the site, to protect the occupants from flooding. As such the proposal is considered to meet the objectives of the NPPF and Policy GD3, in terms of minimised the impacts of flooding.

### **Access and Parking**

The existing vehicle and pedestrian access would serve the site from Bath Street and would be open, without gates. The revised layout proposal submitted on 5 March, proposes to subdivide the access into separate vehicles and pedestrian accesses; 5.6 and 1.25 metres retrospectively. To the west of the proposed building is the parking and turning area which contains 35 spaces; inclusive of 6 disabled spaces and 1 ambulance/disabled space.

The proposal will not lead to a significant increase in traffic generation on Bath Street; and is likely to generate less vehicular movements than the previous industrial use of the site or the previous 2007 approval, which was for 93 apartments and B1 offices. Therefore the proposal complies with policies T1 and T4 of the Local Plan. It is considered that the car parking provision of 35 spaces is acceptable for this type of

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proposal in this highly sustainable location. Parking levels have been set at approximately 1 space per 3 units, in addition to staff and visitor parking.

The proposal provides good accessibility for pedestrians and cyclists, being in a sustainable location, adjacent to footpath/cycle path and close to the city centre. It is therefore likely to encourage more vehicle free journeys in line with policies T6, T7 and T8. On site cycle parking provision is suggested in line with this.

### **Other considerations**

The proposal is being assessed against the BREEAM criteria for provision of sustainable and low energy development. There is also the potential for Solar PV panels to be used on the roofscape of the building. This is in line with the intentions of Policy E10 regarding the use of designs and materials to reduce energy use.

A residential scheme of this size gives rise to a range of planning obligation requirements, which include the provision of affordable housing and lifetime homes, contributions towards public open space and towards provision of health facilities to serve the site.

The development is to be a full affordable housing scheme, managed by a registered social landlord, although the Section 106 Agreement would secure a minimum of 30% units to be affordable, in line with the Planning Obligations - Supplementary Planning Guidance. The legal agreement would also secure a BREEAM Very Good standard for all the housing units.

The public open space contribution is to be utilised for the improvements to and landscaping relating to the provision of flood defences in the vicinity of the site. This would help to secure delivery of other parts of the OCOR masterplan, on public open space land in the surrounding area.

The requirements for this development also include a clause to ensure future maintenance of the proposed flood defences which are to be formed within the application site.

All these Heads of terms for a S106 Agreement have been agreed in principle with the applicant.

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

**11.1 A. To authorise** the Director of Planning and Facilities Management 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 Legal and Democratic Services to enter into such an agreement.

**B. To authorise** the Director of Planning and Facilities Management to **grant permission** upon conclusion of the above Section 106 Agreement.

### **11.2. Summary of reasons:**

The proposal has been considered against the following Adopted City of Derby Local Plan Review policies and all other material considerations. The proposed residential scheme would be an acceptable form of residential development which would preserve the character and appearance of the Conservation Area, protect the special character of the World Heritage Site and have a reasonable impact on the visual and residential amenities of the

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surrounding area. The proposal would also not result in damage or loss of important trees or undermine habitat value on the adjacent wildlife corridor and would incorporate flood protection measures, to minimise flood risk to local residents. The scheme would have no adverse highway safety implications.

### **11.3. Conditions:**

1. Standard condition 03 (time limit)
2. Standard condition 100 (approved plans)
3. External materials to be submitted and agreed, inclusive of bricks, brick bond, mortar mix, render, metal roofing material and rainwater goods.
4. Details and materials to be submitted and agreed of all external windows, doors and balconies; inclusive of sectional details showing reveals.
5. Standard condition 19 (boundary treatments)
6. Standard condition 20 (landscaping scheme to include replacement tree planting with native species)
7. Standard condition 21 (landscaping within 12 months)
8. Standard condition 24A (tree protection)
9. Details secured under condition 8 to include details of arboricultural method statement and any no –dig construction to be required within RPA of trees affected by the layout of car park.
10. Submission and implementation of ecological enhancement scheme.
11. Submission and implementation of Phase II site investigation and remediation where contamination exists.
12. Submission and implementation of remediation scheme in line with Condition 11.
13. Written scheme of archaeological investigation submitted and agreed and completed.
14. The development shall not be occupied until site investigation and post investigation assessment has been completed in accordance with condition 13.
15. No development, except for ground clearance and demolition, until details of construction and design of flood defence to east elevation of the building has been agreed.
16. Landscaping details for flood defence bund to be submitted and agreed.
17. No development, except for ground clearance and demolition until details of levels, construction and surfacing materials for flood access/ egress route have been submitted and agreed.
18. Cycle parking shall be submitted and agreed in writing.
19. The bin storage solution shall be submitted and agreed in writing.
20. Details of surface water drainage to be submitted and agreed in writing.

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21. Standard condition 30 (surfaces to be drained).
22. External lighting scheme for the car park shall be submitted and agreed in writing.
23. A scheme for public art, to include the provision of historical interpretation boards relating to the historic context of the site to be submitted and agreed.

### **11.4. Reasons:**

1. Standard reason E56
2. Standard reason E04
3. Standard reason E10 (GD4, H13, E18, E23, E29)
4. Standard reason E10 (GD4, H13, E18, E23, E29)
5. Standard reason E14 (GD4, E18, E23, E29)
6. In the interests of visual amenity and for nature conservation value (GD2, GD4, E17)
7. In the interests of visual amenity and for nature conservation value (GD2, GD4, E17)
8. Standard reason E24 (E9)
9. Standard reason E24 (E9)
10. In the interests of nature conservation (E6)
11. Standard reason E54 (E13)
12. Standard reason E54 (E13)
13. In the interest of recording the Mills and any potential archaeology remains (E21).
14. In the interest of recording the Mills and any potential archaeology remains (E21).
15. To protect from flooding.(GD3)
16. To protect from flooding and in interests of visual amenity (GD3).
17. To protect from flooding.(GD3)
18. To encourage sustainable transport options (T7).
19. Standard reason E09 (GD4)
20. To encourage sustainable drainage (GD3).
21. To encourage sustainable drainage (GD3).
22. Standard reason E07 (GD5).
23. In the interests of local amenity and to safeguard the special character of the World Heritage Site (E18 & E29)

### **11.5. Informative Notes:**

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- Clearance of vegetation outside of bird nesting season.
- The applicant's attention is drawn to the responsibilities in respect of any protected species under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000.

**11.6. S106 requirements where appropriate:**

Affordable housing; contributions towards public open space and provision of health facilities; clause to secure future maintenance of flood defences.

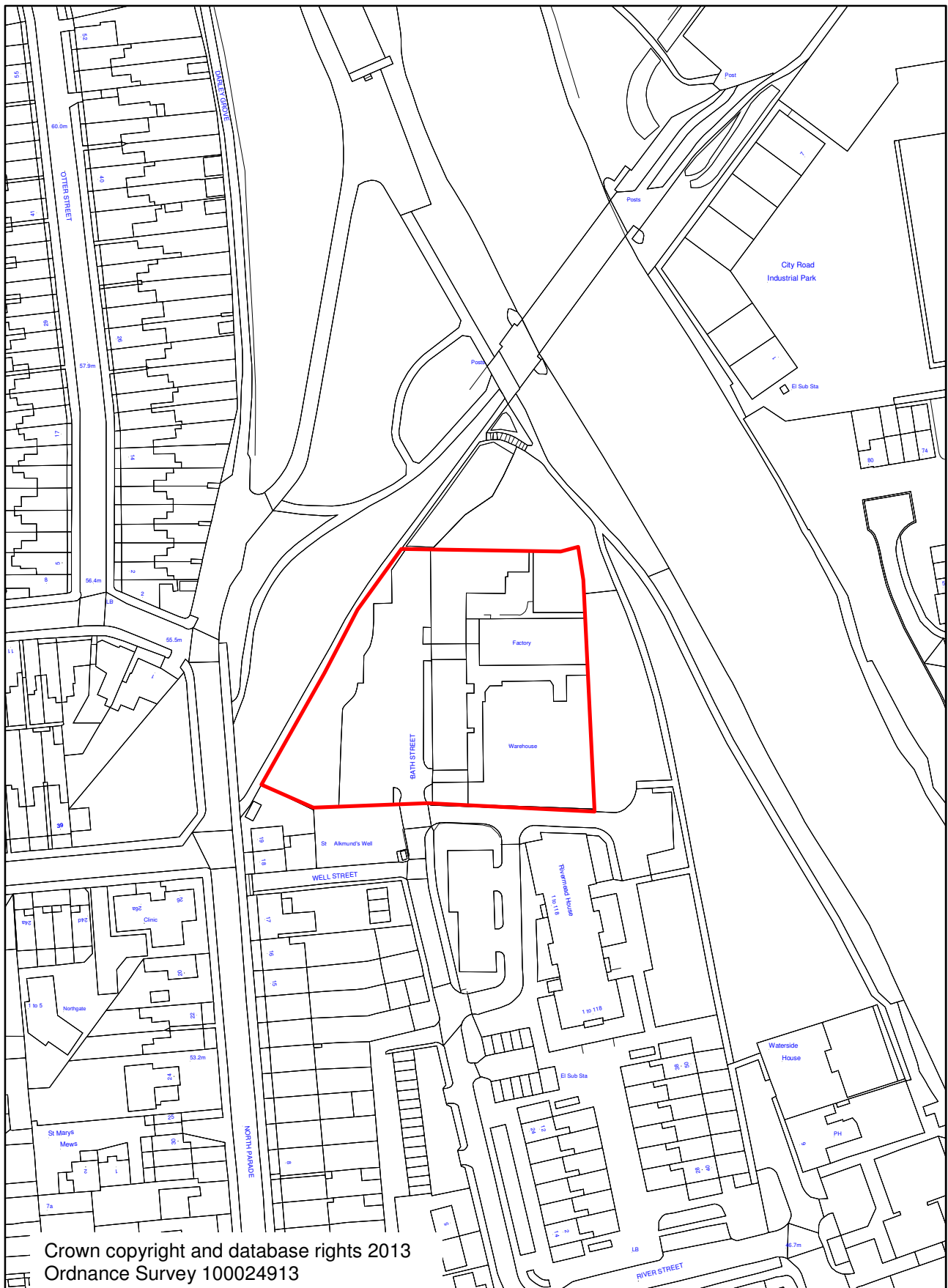
**11.7. Application timescale:**

The 13 week target period for determination of the application expires on the 19 March and is brought to committee as a scheme of strategic importance to the city.

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## **Committee Report Item No: 8**

**Application No:** DER/08/12/00990

**Type:** Full

1. **Address:** 55 Westbury Street, Derby

2. **Proposal:**

Extensions and change of use from dwelling house (use Class C3a) to a house in multiple occupation (Sui Generis use)

3. **Description:**

The application site covers an area of approximately 188 sqm and it is occupied by 55 Westbury Street, a traditional Victorian end of terrace dwelling. The existing house is a 4 bedroomed property and it is situated within a long linear garden plot. The garden area includes the area of land to the east of the main house, adjacent to 51 Westbury Street, which has been the subject of a number of unsuccessful applications for the erection of a new dwelling (DER/09/11/01104 and DER/03/12/00297). This application seeks to obtain planning permission to change the use of number 55 Westbury Street from dwelling house to a house in multiple occupation (HIMO). The application also includes associated extensions to the building to provide additional residential accommodation.

The surrounding area is predominantly characterised by terraced residential properties. Westbury Street runs from east to west between Dean Street and Bedford Street. There are no on street parking restrictions and the road carries a bus route. The eastern two thirds of the street consists of traditional terraces, the only break in which is the gap between numbers 51 and 55. The western third of the street is made up of semi-detached and detached two storey properties and a one detached bungalow. To the rear of the site there is a small housing estate with mainly semi-detached houses.

The ground, first and second floors of the existing dwelling on the site would be converted to form letting rooms and associated communal areas. The application also proposes the erection of several extensions which would enlarge the existing house. A two storey side extension (with rooms in the roof) is proposed, which would infill the gap between numbers 55 and 51 Westbury Street. This extension would follow the existing building line along Westbury Street and would provide additional accommodation over three floors. The application also proposes the erection of a single storey extension to the rear of property. The rear ground floor extension would be approximately 7.2 metres in depth and 6.8 metres in width. The upper floors of the dwelling, as extended, would be served by rear dormer windows and rooflights in the front elevation.

In total the proposed house in multiple occupation (as extended) would provide 8 bedrooms, together with 6 bathrooms/w.c's, a communal kitchen/dining room, and separate living and study spaces. To the rear of the house, a large patio area would be retained and a secure bike store and bin storage area provided. This area would be accessed via a passage which runs adjacent to 51 Westbury Street.

Amended plans were submitted in December 2012 showing the following improvements to the scheme:

- Bedroom 1 located on the ground floor has changed to a living area due to the cramped conditions of the proposed bedroom. Therefore the total number of bedrooms proposed is 8.



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- Reduction of the rear ground floor extension by 1 metre as requested thus increasing the rear amenity space to the property.
- A secure bike store within the external rear area of the property has been proposed.
- A large undercover bin area within the external rear area of the property has been proposed.

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

Previous planning applications on land at the side of 55 Westbury Street:

DER/09/11/01104 - Erection of dwelling house – refused – 04/01/12:

Reasons for refusal:

- 1) In the opinion of the Local Planning Authority, the submitted plans fail to demonstrate that an acceptable standard of living accommodation can be provided within the proposed dwelling. The residential accommodation proposed is cramped and it is considered that the application fails to demonstrate that a satisfactory living environment can be provided for the family accommodation being proposed in the application. It is considered that the proposal is therefore contrary to saved policy H13 of the adopted City of Derby Local Plan Review.
- 2) In the opinion of the Local Planning Authority, by virtue of its size and design, the projection of the rear elevation of the dwelling up to a second floor level results in a dwelling of unsatisfactory design and external appearance. The relationship of the large projecting section of accommodation above the pitched roofs of the neighbouring terraced dwellings would result in a new property that is unsympathetic to and out of character with the adjoining row of terraced dwellings. It is considered that this would detract from the appearance of the adjoining properties and accordingly the proposal is contrary to the provisions of saved policies GD4 and E23 of the adopted City of Derby Local Plan Review.

DER/03/12/00297 - Erection of dwelling house – refused – 09/05/12:

Reason for refusal:

- 1) In the opinion of the Local Planning Authority, the submitted plans fail to demonstrate that an acceptable standard of living accommodation can be provided within the proposed dwelling. The residential accommodation proposed is cramped and it is considered that the application fails to demonstrate that a satisfactory living environment can be provided for the family accommodation being proposed in the application. It is considered that the proposal is therefore contrary to saved policy H13 of the adopted City of Derby Local Plan Review and also contrary to one of the core planning principles (paragraph 17) of the National Planning Policy Framework.

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

#### **5.1. Economic:**

The development of the proposed HIMO would maximise the use of this residential property and assist in a diversification of the housing stock within the area. The development may also provide further local employment in construction and maintenance of the development.

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### **5.2. Design and Community Safety:**

The extensions to the building are considered to be acceptable additions to the application property in terms of their scale, siting and design and would be appropriate additions to the streetscene, taking into account the surrounding context.

Access to the building and the rear amenity space is designed to provide secure routes in and around the site for occupants. This is to be achieved by controlled access to the rear of the property. The proposed bicycle store is of a secure design.

### **5.3. Highways – Development Control:**

Whilst no off-street parking is provided in association with the development, this is a sustainable location well served by public transport and there are no on street parking restrictions. The development is considered to be acceptable on highways grounds.

### **5.4. Disabled People's Access:**

A ground floor bedroom and a bathroom are proposed. The new development would have a degree of accessibility through compliance with Building Regulations guidance.

### **5.5. Other Environmental:**

There will be no loss of visually significant landscape or planting.

## **6. Publicity:**

|  |      |  |     |
|--|------|--|-----|
| Neighbour Notification Letter          | 23   | Site Notice                                | Yes |
| Statutory Press Advert and Site Notice | 0    | Discretionary Press Advert and Site Notice | 0   |
| Other                                  | None |  |     |

## **7. Representations:**

The application has been publicised by means of letters to properties adjoining the application site. This is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

Nine letters of objection have been received and 1 petition of objection making the following comments

- 9 bedroom dwelling would create further pressure on car parking within the area.
- There would be an adverse effect on the residential amenity of the neighbouring properties by reason of noise, overlooking, loss of privacy and overshadowing
- The design of the proposed extension will alter the character of the period terrace street.
- The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring tenants too.

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- The design and materials are not in keeping with the neighbouring properties.
- There are too many windows proposed within the property and will be the cause of overlooking.
- The increased number of individuals within the property may cause neighbour conflict
- The proposed development is over-bearing, out of scale and out of character in terms of its appearance compared with existing development in the vicinity.
- Additional cars parking on the street would adversely affect highway safety and create difficulty as the Westbury Street is also a bus route.
- The application may set a precedent for additional applications.
- New tenants may increase in the noise level thus effecting neighbouring residents.
- The Local Planning Authority notification does not state height or extra stories.
- A lack of management of the property and the residents is a concern.

*Copies of all the representations are available to view on the Council's eplanning service:- [www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*

### **8. Consultations:**

#### **8.1. Housing strategy**

No response received.

#### **8.2. Highways – Development Control:**

Westbury Street is an unclassified road and is adopted highway maintainable at public expense. There are no an street parking restrictions and the road carries a bus route. Due to the sustainable location of the proposal, namely on a bus route, it is not considered that there will be a significant highway implication.

The cycle storage should be covered and secure.

It is difficult to determine the width of the side/rear access; care must be taken to allow for a width which would accommodate the refuse bin which would be required for this development.

Recommendation that further information should be submitted to confirm the size of bin required and exactly how wide the access is to prove that the relevant bins can be manoeuvred around and through the rear and side access, before determination of the application.

However there are no highway objections.

#### **8.3. Police Liaison Officer:**

This area suffers from higher than average burglary rates and is high in repeat victimisation at premises let out as bedsits and multiple occupation dwellings. Properties used for this purpose can have a negative effect and can adversely affect the amenity of neighbouring residents through crime, noise and anti-social behaviour.

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These types of premises are also vulnerable to thefts internally, offering easy crime opportunities, often committed by persons with legitimate access. Access is also commonly gained to commit burglary in this area via insecure rear windows and doors.

A good level of security is essential, as required within local policies H13 and E24, with access control measures to remove human error with window limiters and locks on the ground floor to prevent access when windows are inadvertently left open.

Doors and locks to private bedroom spaces must be robust enough to avoid being easily forced by the opportunist. Many thefts at such premises are by persons/visitors who are legitimately on premises.

In summary, the access to the rear should be securely gated at the front of the street building line. The gates shown to the rear are hidden from the street and can be forced without being seen. Up to 85% of local forced entry, dwelling breaks occur after access has been gained to the rear private space.

All doors externally and private doors to bedroom space internally should meet the requirements of the Secure by Design scheme. This standard is PAS 24 to ensure the doors to individual private rooms are not easily forced or kicked in as current trends indicate.

It is this lack of security on internal doors, within shared dwellings, that is a cause of repeat victimisation.

Good management practices and clear tenancy conditions to avoid nuisance, avoid adverse impacts on the amenity of the local residents and reduce calls for Police attendance should be established.

The bike parking facility to the rear must be fully secure.

### **9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.***

|     |                               |
|-----|-------------------------------|
| GD1 | Social Inclusion              |
| GD2 | Protection of the environment |
| GD3 | Flood Protection              |
| GD4 | Design and the environment    |
| GD5 | Amenity                       |
| H14 | Re-use of underused buildings |
| H16 | Housing extensions            |
| E23 | Design                        |
| E24 | Community Safety              |
| E25 | Building Security Measures    |
| T4  | Access, parking and servicing |
| T10 | Access for disabled people    |

*The NPPF is a material consideration and supersedes the earlier PPG's and PPS's*

*The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.*

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### **10. Officer Opinion:**

#### **Key Issues**

- The principle of development
- Residential amenity
- Design and impact upon the streetscene
- Parking provision/highway implications

#### **The principle of development**

Policy H14 of the Local Plan states that the City Council will support the re-use of underused buildings for residential purposes, including intensifying existing residential uses, provided the scale and intensity of the use is sufficiently similar to the surrounding area, so that it would not detract from its general character or amenity. Given the fairly small scale nature of the HIMO proposed, it is considered that the proposal would not be unacceptable and would not have an adverse impact upon the existing residential character of the locality. The site is already occupied by a 4 bedroomed dwelling and, whilst the proposed use would be more intensive than the existing single dwelling, it is considered that it would not be so detrimental in terms of its impact upon amenity to warrant refusal. In addition to this it should be noted that the dwelling house (use class C3) on the site could be converted to a small scale house in multiple occupation (use class C4), where between 3 and 6 unrelated individuals who share basic amenities such as a kitchen or bathroom, without the benefit of planning permission. In view of this, the development proposed here would only result in two additional bedrooms over and above this permitted development allowance. Taking all of this into consideration, I am satisfied that the general principle of the HIMO of the size proposed in this location is acceptable and the proposal would reasonably comply with policy H14 of the CDLPR.

#### **Residential amenity issues**

A number of objection letters received have expressed concerns about noise and anti-social behaviour from future residents of the proposed HIMO. Anti-social behaviour may result regardless of the manner in which the building is being occupied and the City Council has no control over the end-user of the proposed development. Nevertheless, I do not feel the proposed HIMO would have a significantly adverse impact upon neighbours, in terms of noise and comings and goings from the property, than the existing use of the building. Again, I am mindful of the fact that the existing property could be converted into a small scale HIMO without the need for planning permission and do not consider that the 8 bedroom facility proposed would be unduly harmful.

It is considered that the proposed alterations and extensions to the building would not result in any significant loss of privacy, massing, or loss of light to neighbouring properties. The bulk of the two storey extension would be located adjacent to the blank flank wall of number 51 Westbury Street and this part of the extension would not project to the rear of the neighbouring house. Whilst the proposed single storey element of the development would project some distance into the garden area, given its limited height (approx. 3m), flat roof design and the juxtaposition with neighbours, I am satisfied that any impact on neighbours would not be unduly intrusive. None of the proposed upper floor windows will directly overlook neighbouring dwellings either

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side the site and the separation distances within neighbours to the rear are considered to be acceptable. Whilst ground floor side facing window are proposed, the existing boundary treatment within the rear garden area would ensure that overlooking does not occur.

In terms of the internal spaces proposed, it is considered that the development would create a satisfactory living environment for future occupiers. The layout of the proposed HIMO has been amended during the course of the application process to ensure all bedrooms are of an acceptable size and are adequately served by natural light. It is recommended that the number of occupiers within the HIMO is restricted to no more than 8 by condition, to ensure that some of the smaller communal living spaces are not converted into unacceptable sized bedrooms in the future. The site also retains an acceptable amount of amenity space to the rear to serve future occupants.

Overall, I do not consider the proposed use would result in a material harm to the residential amenity of neighbouring properties and would create a satisfactory living environment for future occupiers. Accordingly, the proposal is considered to comply with policies H14, H16 and GD5 of the CDLPR.

### **Design and impact upon the streetscene**

Whilst the proposal would infill the existing gap between the application property and 51, the extension has been designed to continue the existing terrace of dwellings, which are characteristic of this part of the street. In terms of its scale, urban form, fenestration and architectural details the proposed extension matches that of the existing house and neighbouring dwellings and, accordingly, is considered to be an acceptable addition to the streetscene. The use of matching materials is proposed and can be controlled through condition. The proposed alterations and extensions to rear of the dwelling would be well screened from public views. I am satisfied that there would not be any harm to the character and appearance of the application property or that of street scene in terms of massing, visual prominence or design. The provisions of policies GD4, E23 and H16 would therefore be satisfactorily met.

### **Parking provision and highways issues:**

Policy T4 of the Local Plan seeks to reduce the level of parking provision, in order to encourage people to use their cars less. It states that car-free developments will be encouraged, where appropriate. Whilst neighbour objections in respect of off-street parking are noted, it is considered that the application could not be refused because of these concerns. Initially, there is an existing 4 bedroomed house on the site which does not have formal off-street parking and this existing situation has to be taken into account. Secondly, the site is well served by buses and within walking distance to amenities, such as shops. Given the sustainable location of the development there is no justification for off-street parking to be provided. Secure cycle parking is shown to the rear of the site and the Highways Officer has raised no objections to the proposals in terms of the level of off-street parking, impact upon the bus route or highway safety matters.

### **Other issues:**

The comments of the Police Liaison Officer in respect of security are noted and the recommended details will be passed over the applicant by way of an informative note on any decision notice. The passage way to the side of the proposed extension is

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considered to be of an adequate width of to ensure bins can be manoeuvred between the bin store area to the rear of the property and the highway.

### **Conclusion:**

The site is within a highly sustainable location which is well served by public transport and is within walking distance of nearby shops and other amenities. It is acknowledged that the proposal would intensify the existing residential use of the site, but this is not considered to be to the detriment of the general character of amenity of the locality. The proposals are also considered to be acceptable in terms of design, parking issues, provision of a satisfactory living environment and impact upon the amenity of neighbouring properties. On balance, it is considered that the proposed HIMO would generally meet the aspirations of the Local Plan policies set out within section 9 of this report and it is recommended that planning permission be granted.

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

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

### **11.2. Summary of reasons:**

The proposal has been considered in relation to the relevant saved policies of the adopted City of Derby Local Plan Review, as indicated in Section 9 of this report, and all other material considerations have been justified. This is a sustainable location, within an existing residential area, which is well served by public transport and other amenities, accordingly, the application site is considered to be an acceptable location for the residential development proposed. Although the proposal would result in an intensification of the existing residential use of the site, it is considered that the development would create a satisfactory living environment for future occupiers, whilst ensuring that the amenity of neighbouring residents is preserved. The extensions and alterations to the building are considered to be acceptable in terms of their impact upon the visual amenities of the streetscene and the proposal is also deemed to be acceptable in terms of off-street parking and highways matters.

### **11.3. Conditions:**

1. Standard condition 03 ( time limit)
2. Standard condition 100 (approved plans):
  - Site location plan (drawing ref: 798-001)
  - Proposed block plan (drawing ref: 798-007 rev: E)
  - Proposed elevations (drawing ref: 798-006 rev: F)
  - Proposed floor plans (drawing ref: 798-005 rev: D)
3. Standard condition 27 (external materials)
4. Condition limiting the number of residents to no more than 8

### **11.4. Reasons:**

1. Standard reason E56 (reason for time limit)
2. Standard reason E04 (for the avoidance of doubt)

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3. Standard reason E09 (to preserve the visual amenity of the streetscene).....in accordance with policies GD4, E23 & H16
4. To ensure that a satisfactory living environment is provided for residents....in accordance with policies H14 and GD5 of the CDLPR

**11.5. Informative Notes:**

Suitably worded informative note relating to the security issues raised by PLO

**11.6. Application timescale:**

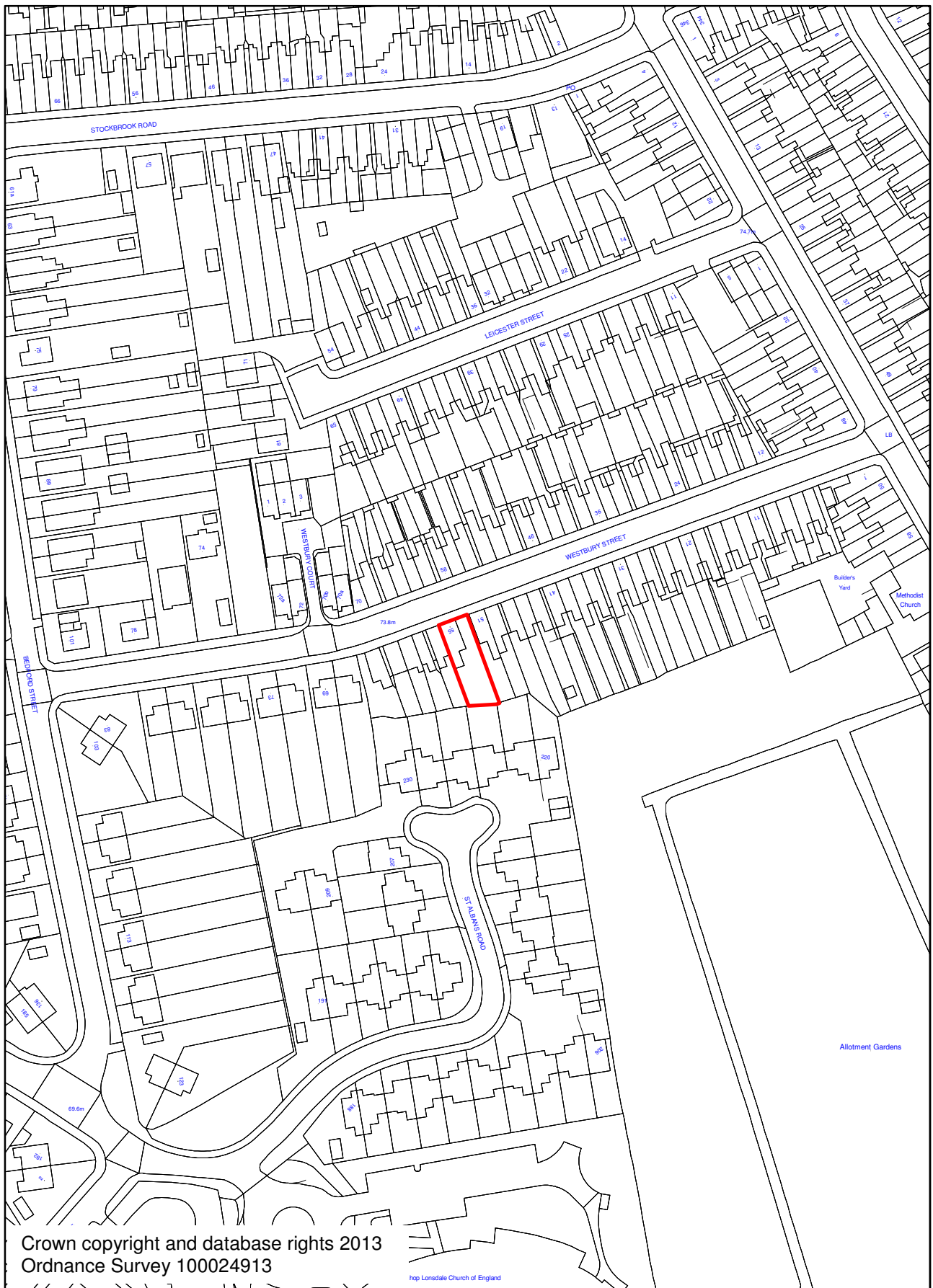
The target period for determination of this application expired on 8<sup>th</sup> October 2012. It is brought to committee due to the number of objections.



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## **Committee Report Item No: 9**

**Application No:** DER/11/12/01333

**Type:** Outline Planning with access

1. **Address:** Site of Mackworth College Buildings, Prince Charles Avenue, Mackworth College, Derby
2. **Proposal:**  
Residential Development (up to 221 dwellings), Community Facilities, Access and Open Space
3. **Description:**

The outline planning application seeks to gain permission for the erection of up to 221 dwellings, open space, community facilities (in the form of additional changing rooms and a health centre), additional car parking (for users of the football pitches) access and related development on part of the former campus of the Prince Charles Avenue element of the college. The application is accompanied by an indicative Masterplan which identifies the siting of 221 residential units and details of how the site can reasonably accommodate the units, internal road layout, sports pitches, open space, additional car parking and ponds. Members are respectfully reminded that the submitted Masterplan (Drawing No. HG0063/D02/REVB) is an indicative plan only and is subject to change on the submission of any future reserved matters application(s).

The application site has an area of approximately 10.4 hectares and is designated as Green Wedge under the adopted City of Derby Local Plan Review (CDLPR). Land levels across the site decline in a southerly direction towards Mickleover and Murray Park School. The application site has an irregular form encompassing existing college buildings and open space. The site is bounded by Prince Charles Avenue to the north; to the north-east and east by a residential site currently under construction by Persimmon (granted under code no. DER/02/11/00184 for 216 dwelling houses) To the south is an area of open space designated under the City Council Schemes (policy T2a of the CDLPR); protected transport routes (policy T15 Protection of Footpath, Cycleways and Horserider Routes) and proposed public open space (policy L4); to the west by open space, an artificial pitch and existing pitches which are to be realigned. The submitted Planning Statement provides the applicants/agents case for the development and seeks to provide their justification for the proposals. The application site is located on the edge of the urban area of Mackworth, on the green boundary which separates the two urban areas of Mackworth and Mickleover.

The application is the result of the College's decision to vacate the Prince Charles Avenue site in 2009; this initially resulted in the development of housing on this site to the north, north-east of the application site which is under construction for 216 residential units.. Whilst this adjacent site was also designated as Green Wedge it was fundamentally different in that it was previously developed land containing the college buildings and built development was therefore already well established. That site was also adjacent to the existing residential area of Mackworth and involved the redevelopment of redundant college buildings which is acceptable in principle in CDLPR policy terms. The project also involved investment into the Roundhouse and educational facilities in the City. Whilst the funds raised from the sale of this site to Persimmon aided the College's development there remains a funding gap between the College's current financial position and its plans to provide a new building at

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Pride Park for its construction department, amongst other proposals. The residual of the college campus which forms that basis of the current application is now predominantly vacant with the college only fulfilling their obligations to maintain the sports hall and pitches.

### **Proposed Development**

Whilst the submitted masterplan is indicative at this stage it provides an understanding of the extent of the application and its proposals; the applicant and agent are also happy for the masterplan to be conditioned as part of the application in order to secure the general parameters of the development.

The application seeks to secure planning permission for up to 221 residential units; the number of affordable units is currently being negotiated under the section 106 agreement and the design, external appearance and scale will be considered through the reserved matters application(s). It is envisaged that the properties will be served off a main loop road with various Cul-de-Sac and link connections.

The application also seeks to provide up to 0.78 hectares of incidental open space within the development with an area of up to 0.9 hectares of formal open space which will include a children's play area. The footprint of the built proposal does not extend to the boundary of the red edge to the south west in order to maintain a visual separation between the two urban areas of Mackworth and Mickleover and to maintain as much of a viable green wedge as possible at this, its most sensitive point.

Access to the site will be via the existing access at the junction of Prince Charles Avenue which also serves the Persimmon housing development. The existing access will therefore serve the Persimmon site and lead to the proposed development with a western link providing access to the sports hall and community/health buildings. Pedestrian access to Murray Park School to the south is also envisaged to be improved as a result of the proposals with a clear pedestrian link shown on the indicative masterplan; although the improvements are likely to be only within the red edge of the application.

The position of the health centre has been amended, following public consultation, in order to group the existing facilities with the proposed medical/health centre which is considered to be a more suitable location by residents. Two existing changing rooms are to be located at the sports hall, thus improving the existing facilities.. The application also seeks to enlarge the existing car park by 90 spaces to provide a communal car park.

An amended indicative masterplan has been submitted which seeks to address initial concerns of the Environment Agency. This amended drawing will form the basis of this report along with the Transport Assessment and technical reports which consider issues of ecology, site investigation and arboriculture. A Design and Access Statement, a Statement from the College, Planning Support Statement and a Statement of Community Involvement have also been submitted.

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

DER/08/12/00955 – Granted Conditionally - Variation of Condition No. 4 of previously approved planning permission Code No. DER/02/11/00184 to alter external materials and include painted brickwork finishes

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DER/04/12/00422 – Granted Conditionally - Substitution of House Types on Plots 21-24A, 28-29A, 32-39 and 110-115A of previously approved planning permission Code No. DER/02/11/00184/PRI

DER/08/11/01035 – Granted Conditionally - Substitution of House Types on Plots 10-11, 74-75 and 151-154 of previously approved planning permission Code No. DER/02/11/00184/PRI

DER/02/11/00184 – Granted Conditionally - Erection of 216 dwellings (approval of reserved matters under outline application DER/03/10/00254/PRI - access, appearance, landscaping, layout and scale)

DER/03/10/00254 – Granted Conditionally - Residential development, health centre, retention of sports hall and demolition of college buildings

DER/04/10/000454 – Granted Conditionally - Residential Development and erection of sports academy - extension of time limit of previously approved outline planning permission DER/02/06/00258/PRI by a further 3 years

DER/02/06/00258 – Granted Conditionally – Residential Development and Erection of Sports Academy

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

### **5.1. Economic:**

The proposal would deliver a residential development the receipts of which are to be re-invested in to Derby College in order to support the build of a Construction Department within Pride Park along with addressing financial issues from the Roundhouse. The delivery of a health centre would also generate employment opportunities. The proposed delivery of new housing would generate the New Homes Bonus (NHB). In certain cases, where the NHB is used to directly contribute to infrastructure associated with the proposed development, it can be a material planning consideration.

### **5.2. Design and Community Safety:**

The application has been submitted in an outline format with access to be considered at this stage. Landscaping, scale, external appearance and layout are to be considered under any future reserved matters application(s).

An indicative masterplan accompanies the application which has been considered and the comments of the Police Architectural Liaison officer are set out in section 8.7 of this report. At this stage the indicative masterplan has been used as a tool for confirming a maximum number of units and is not considered as a formal layout. Further consideration should be given to existing landscape features, watercourses and the enhancement of habitats and the protection of wildlife /protected species at the reserved matters stages through design and layout.

Community safety issues would need to be given detailed consideration as part of any reserved matters proposals when the precise details of the layout of spaces are formulated.

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### **5.3. Highways – Development Control:**

There is an existing vehicular access from Prince Charles Avenue serving the first phase of development and this will be an acceptable means of access for the proposed development. Subject to compliance with recommended conditions the proposed development is considered to be acceptable in terms of highway safety..

### **Highways – Land Drainage:**

Initial Response: In accordance with the requirements of the National Planning Policy Framework the applicant has submitted a Site Specific Flood Risk Assessment (FRA) which sets out in broad terms how the drainage for the development site may be accomplished.

We welcome the fact that it is proposed to use a range of sustainable drainage features, including swales for highway drainage, permeable paving for driveways, rain water butts for roofs and a basin to retain surface water before discharge off site.

However, at this stage we do object to the application because the FRA:

1. Has not included a topographical survey showing the actual and proposed levels on site
2. Does not contain a strategy to explain how the proposed drainage will work
3. Appendix C of the FRA which should hold the details of drainage present on the site appears to be missing
4. We would expect to see a thorough assessment, with calculations, of the existing sewers and discharge rates in order to better understand the proposed discharge from the whole site.

Second Response: The extra detail supplied meets our earlier request for specific information about the topography of the site and its existing drainage.

Our concerns could be addressed at the future stages of the application process, however any outline planning application should proceed with a condition which requires the applicant to submit in writing for approval a detailed drainage strategy including sustainable drainage features in line with their Flood Risk Assessment (Ref DCO00049FR1/V1.0 and subsequent additional documents), together with an assessment of the hydrological and hydrogeological context of the development.

### **5.4. Disabled People's Access:**

The application has been submitted in an outline format however any future reserved matters application(s) are likely to include lifetime homes and will have a degree of accessibility through compliance with Building Regulations.

### **5.5. Other Environmental:**

The application is accompanied by various technical reports which seek to consider issues of ecology, site investigation and arboriculture. The initial survey work along with the addendums set out the estimated environmental impacts of the development. Further consideration will need to be given to the environmental impacts of the proposal at the reserved matters stages,

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including design and layout. On balance I am of the opinion the proposal is unlikely to have any significantly harmful implications for the landscape or character of the area. However, the loss of playing fields and reduction of the Green Wedge, at this sensitive point, will be considered in more detail within Section 10 of this report. Moreover, subject to compliance with suggested conditions, the proposal would be unlikely to have any harmful ecological implications.

### **5.6. Pre- Application Publicity**

The application is accompanied by a Statement of Community Involvement which sets out the preliminary application publicity undertaken, responses received and the amendments made. An initial consultation event was held in February 2012 where local residents and members of the Council were invited to give their views on the general principles of development. A second consultation event was held in August 2012 where the detailed masterplan was made available for comment.

The initial exhibition in February 2012 was attended by approximately 100 people. Preliminary application discussions also continued with the Council. Following consideration of comments made by the Council, Ward Councillors and local residents a second exhibition was held in August 2012 which was attended by approximately 40 residents and provided an opportunity to consider the revised masterplan. Comment forms were provided at both events with 25 comment forms being returned in total from both events. A full summary of the comments made is provided in Appendix 9 and 10 of the Statement of Community Involvement; with amendments being specifically made to take into consideration the following:

- Combination of existing sports hall with the intended health centre to form one facility,
- Provision of additional changing rooms,
- Commitments to fund improvements to the Mackworth Community Centre,
- Amendments to the access proposals,
- Increase parking at the playing pitches.

## **6. Publicity:**

|  |    |  |  |
|--|----|--|--|
| Neighbour Notification Letter          | 41 | Site Notice                                |  |
| Statutory Press Advert and Site Notice | Y  | Discretionary Press Advert and Site Notice |  |
| Other                                  |    |  |  |

*This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.*

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### **7. Representations:**

This application has attracted one letter of objection following the statutory consultation period. The objection is concerned with the type of properties proposed stating they would have no objection if bungalows were proposed but have an objection if 2.5 storey properties are proposed.

A letter from Councillor Pegg which is endorsed by all Mackworth Ward Councillors has also been received stating that they have been working with Derby College on the proposed development for several months and all concerns have been resolved and they are in full support of the proposal.

It is important for Members to note that a separate consultation event has been carried out for the Preferred Growth Strategy (PGS). The PGS is effectively the Council's preferred strategy to meet its identified growth needs, particularly in terms of housing needs for the next 15 years. The Council is working closely with its Housing Market Area neighbours (Amber Valley Borough Council and South Derbyshire District Council) to plan to meet our housing needs in a co-ordinated, sustainable manner and to ensure that the relevant infrastructure to support the growth is delivered. This consultation event has generated some interest about the allocation of this particular site and also generic green wedge issues. An oral update about this will be provided for Members at the meeting.

*Copies of all the representations are available to view on the Council's eplanning service:- [www.derby.gov.uk/eplanning](http://www.derby.gov.uk/eplanning)*

### **8. Consultations:**

#### **8.1. Natural Environment:**

Following the recommendations made in the Preliminary Tree Survey, as part of any reserved matters a scaled Tree Protection Plan showing the position of existing trees and whether they are to be retained or removed is required for approval to ensure the recommendations made in the Preliminary Tree survey are carried forward. Also, standard conditions are required to ensure the protection of trees, such as tree protection fencing is in place before and during construction works and, where necessary, no dig solutions are implemented in the root protection area of trees to be retained.

We would like to see existing permissive path become a public right of way, either by adoption as a walkway / cycleway, or for it to be added to the definitive right of way map and statement. This route was not included in Derby's original Rights of Way Improvement Plan, a statutory document, as a proposed new major path route, but it is included in the revised plan as a proposed walkway / cycleway linking Mackworth with the Mickleover to Egginton Greenway.

#### **8.2. Environmental Services-Sport & Leisure:**

Further to our discussion regarding the development of Mackworth Prince Charles Avenue (PCA) I can confirm that Leisure Facilities and Parks are 'in principle' supportive of the proposal. Although we don't have a current Playing Pitch Strategy to provide an objective assessment of the loss of playing fields we recognise the important contribution that the indoor and adjacent outdoor sport facilities play in serving local community needs and the satellite level 2

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facilities as outlined in the Leisure Facility Strategy Framework. The Council's Leisure Facility Strategy provides a framework to help inform the development of existing and new sport and recreation facility provision. The following text is taken from the Leisure Strategy Framework in order to articulate how the Mackworth PCA development supports this framework.

In order to prioritise future investment, a proposed hierarchy of facility provision has been developed. This is based on the City's ambition 'to be England's most active City' and incorporates national and international best practice in terms of meeting the talent development pathway.

Proposed hierarchy of facilities

E.27 To inform the types of facilities which can be categorised in each hierarchy, a key criteria list has been developed to differentiate the tiers of facilities.

E.28 Hub sites are key to the strategic delivery of sport and physical activity in the City and revenue funding should be allocated accordingly. The hub facilities form the core of the project and once completed should be supported by developments/enhancements at satellite facilities.

E.29 It is recommended that level 1 satellite sites should deliver a similar (albeit reduced) programme to the hub sites, with clear talent development pathways for those wishing to progress, and should provide more localised provision to the community.

E.30 Level 2 satellite facilities are those which are identified as being geographically important and are located in areas outside the core catchment of higher tier facilities.

The facilities currently at Mackworth PCA are important in fulfilling this local satellite 2 provision (E.30) and the developments with Derby County in the Community will help to reinforce the important contribution to this framework. It is also important to note that the Council have commissioned consultants to produce a Playing Pitch Strategy that will help inform future provision and this will be completed in May 2013.

### **8.3. Environment Agency:**

To be reported.

### **8.4. Derbyshire Wildlife Trust:**

The trust has considered the following documents:

- Bat Survey report ref: R-1276-06 prepared by Brooks Ecological dated January 2013
- Badger Survey report ref: R-1276-05 prepared by Brooks Ecological dated November 2012
- Reptile Survey report ref: R-1276-04 prepared by Brooks Ecological dated November 2012

No badger setts were recorded within 30 metres of the proposed works and it was concluded that the site is not regularly used by badger.



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No evidence of reptiles was found during the survey.

In accordance with the OPDM Circular 06/2005 (Biodiversity and Geological

Conservation "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision...."

We would advise that the results of the submitted reports now gives the Council confidence that the potential presence of protected species has been fully taken into account in reaching a planning decision.

From the results of the surveys we would advise that no adverse impacts upon protected species are anticipated as a result of the proposal.

### **8.5. Police Liaison Officer:**

The Master plan layout has circles of permeability. When permeability is to be successful it needs an identified destination and purpose. In planning, permeability is encouraged often without thought for safety and security of the people who will live there. Burglars also exploit permeability, it aids criminal routine searching behaviours and has a direct correlation to crime, proven academically simply the more permeable the layout the more crime opportunity is being built in.

Many of the permeability policies are based on City layouts with busy movement frameworks, Jane Jacobs "Eyes on the Street" is often quoted but again mis-understood that Jacobs stresses that her observations are only relevant to City centres, not semi urban or semi rural edge of Town locations such as this.

There needs to be a greater balance in consideration of crime, which is the number one issue in what makes a place far above sustainability and eco construction methods for the people who will live there. Creating a safe and secure living environment has to take greater priority in localism policies.

Successful places have good well-designed purposeful connections, connecting and linking to places people want to go and will use. Poor places have a myriad of routes diluting beneficial activity, providing anonymity to offenders and nuisance to residents, affecting their quality of life, health and well-being for the long term.

Clear major shared links to Prince Charles Avenue and the local shops, links to the local Schools and the major but unlit cycle way between Derby and Mackworth are relevant here with minimal unnecessary circulation of blocks allowed. Perimeter blocks are shown but the end results often show a block dissected with parking and unobserved rear garden gated access points which are crimogenic features designed in without thought of the crime consequences, that have been all too frequent in later day layouts. The Government and National Planning Policy Framework supports increasing the quality of layouts and better design all of which will be better at resisting crime.

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Defensible space, exactly as justified by Building for Life 2012, is essential with clear demarcation of public and private space, including enough depth of setback at the front of properties, with vertical treatments, to clearly define then space as semi private for privacy and security. This corresponds with local policy H13 and not just with open plan turf areas or minimal low space edge planting, we currently see, as on the adjacent new development.

It is noticeable that for marketing show homes always have railings and vertical treatments to sell but are removed on sale (example on adjacent site). The industry does understand the value in defining and enclosing setback/front garden space but if this is not a condition of planning, later remove these setback treatments.

Parking has become a difficult issue to resolve and maximum limits have fortunately now been removed after being identified as a failed policy. There should be no deliberate under provision with the aim of reducing car ownership and the number of vehicle journeys. This merely causes the blight of obstruction and on path parking; we see on all new development in the UK, causes a danger to residents and young children and obstructs access for refuse and emergency service vehicles.

Rear parking is unpopular and if used should meet the criteria as Building for Life 2012. On plot is the safest option. Residents want to park where they can see and control their vehicles which is entirely understandable. Parking courts can be a waste of valuable land if not used and lit, to enable safe night-time use.

The footpath to Murray Park School along the plot edge is at times considered unsafe and has evidence of constant vandalism, drug and under age alcohol use, especially at its junction with the main Mickleover to City cycle path. I have been contacted by Derby City Council Children's and Young Persons department over the issues and this is an opportunity to improve natural surveillance to this route, provide greater guardianship and reduce the opportunities for crime and anti-social behaviour that are apparent, including peer group bullying. If it were possible to build housing facing all along this route and reviewing the green wedge requirements, using other land in substitution, much good would come of it. I do understand the green space issues but this should not always seen as insurmountable problem when it gives the opportunity to solve an existing community issue in perpetuity and show consideration of Section 17 of the Crime and Disorder Act 1998.

Access to the private rear of all dwellings should be designed in from the start as a fundamental requirement and not as an add on to a standard house type. Where terraced rows are to be built then warrens of fencing around neighbouring garden spaces should be avoided. They are unpopular, unlit and are frequently not used. Bins are left on street frontages, on footpaths or within these links. They are unsustainable, reduce the little garden space new homes have and reduce safety by giving access to the criminal. A house type with a suspended first floor above a "Ginnel" should be used. These fenced warrens have become too prescriptive and are a poor solution in residential design. I always see them in social and low cost housing, the housing and social group that that is statistically the most vulnerable to crime including dwelling burglary.

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As an outline application general advice is given but designing out crime and Secure by Design standards should already be considered as part of the solution to ensure this development is a safe and secure living environment for all tenures.

I support the guidance contained within the Building For Life 2012 document as a good start to improving design quality and safety with emphasis of the sections 10 and 11 on Parking and Public and Private spaces, not forgetting the relevant notes of further explanation 4, 14, 21, 25, 27 in particular.

When full permission is applied for "The Design and Access Statement" should include all measures considered to design out crime including boundary treatments and defensible space demarcation and not overlooked as a later landscape issue condition, being an extremely important, reasonable and relevant part of the whole design and layout to prevent crime.

In summary, permeability must be well considered and justified to remove criminal exploitation and design out the opportunities for crime. I recommend that Building for Life 2012, Sections 10 and 11 on parking including the use of off plot parking courts and defensible space, including vertical demarcation treatments to setbacks are followed and detailed, as a condition of approval.

The major link to Murray Park School is built along if possible to improve safety and security of all users, allowing it to be observed and lit to its junction with the Mick / Mac route.

Rear garden access points, if not private, are provided, not by extensive wasteful warrens of close boarded unobserved paths but by a house type with "a Ginnet" or similar access through a controlled building line elevation that ensures rear space remains private and access is secure.

### **9. Summary of policies most relevant: *Saved CDLPR policies / associated guidance.***

|     |  |
|-----|--|
| GD1 | Social Inclusion                           |
| GD2 | Protection of the Environment              |
| GD3 | Flood Protection                           |
| GD4 | Design and the Urban Environment           |
| GD5 | Amenity                                    |
| GD8 | Infrastructure                             |
| H11 | Affordable Housing                         |
| H12 | Lifetime Homes                             |
| H13 | Residential Development – General Criteria |
| E2  | Green Wedges                               |
| E5  | Biodiversity                               |
| E7  | Protection of Habitats                     |
| E9  | Trees                                      |
| E10 | Renewable Energy                           |
| E12 | Pollution                                  |
| E16 | Development Near to Important Lane         |
| E17 | Landscaping Schemes                        |
| E21 | Archaeology                                |
| E23 | Design                                     |
| L1  | Protection of Parks and Public Open Space  |

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- L2 Public Open Space Standards
- L3 Public Open Space Requirements in New Developments
- L6 Sports Pitches and Playing Fields
- L11 New Community Facilities
- T1 Transport Implications of New Developments
- T3 Highways Agency Schemes
- T4 Access, Parking and Servicing
- T6 Provision for Pedestrians
- T7 Provision for Cyclists
- T8 Provision for Public Transport
- T10 Access for Disabled People
- T15 Protection of Footpaths, Cycleways and routes for Horseriders.

*The NPPF is a material consideration and supersedes the earlier PPG's and PPS's*

*The above is a summary of the policies and guidance that are relevant. Members should refer to their copy of the CDLPR for the full version or the department prior to the meeting.*

*Regional Spatial Strategy for the East Midlands (RSS)*

*National Planning Policy Framework (in particular paragraphs 14, 47, 70, 72, 73 and 74)*

*Derby City Council Core Strategy: Preferred Growth Strategy (October 2012)*

### **10. Officer Opinion:**

#### **Principle of Development**

##### **General Observations**

Although there are some buildings on the northern part of the site, the majority of the site is in open use and comprises playing fields which were associated with the college before it relocated. As well as being used by the college for sports activities they were also used and continue to be used by the wider community for formal sports activities.

If allowed the proposal would effectively form an extension to a new residential development on the footprint of the former College (DER/02/11/00184) which is now being built.

This proposal is contrary to Green Wedge policy. It would mean that the land built on would cease to perform a Green Wedge function. It is therefore important to understand the purpose of green wedges and a complex set of existing and emerging policy issues which are material in considering the proposal.

A significant factor in determining the application is how much weight to give to various policy documents and material considerations. These include the National Planning Policy Framework, the adopted City of Derby Local Plan Review (CDLPR), the Regional Spatial Strategy for the East Midlands (RSS), the City Council's Preferred Growth Strategy (PGS) and the 2012 SHLAA and the Council's 5 year housing supply position (5YS).

##### **Adopted City of Derby Local Plan Review (2006)**

All of the policies listed above in Section 9 are relevant and should be given weight in considering the application.

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### **Green Wedges**

The whole of the site is in a Green Wedge and Policy E2 is therefore very relevant. The policy seeks to maintain Green Wedges as open and undeveloped and offers limited scope for built development. The purpose of Green Wedges is to define and enhance the urban structure of the city as a whole. They play a crucial role in retaining open areas of land between separate parts of the City which helps to maintain their identity and reduce the impression of urban sprawl.

The two essential characteristics of Green Wedges are that they have an open and undeveloped character and that they penetrate the urban area from the open countryside.

The Mickleover/Mackworth Green Wedge in which the proposal sits helps to clearly define the built edges of the separate communities contributing to their separation, character and identity. It allows the open countryside to penetrate from the adjacent districts of Amber Valley and South Derbyshire right into the city as far as the outer ring road providing residents with access to the countryside and a haven for wildlife.

The closest buildings on the opposite (Mickleover) side of the Green Wedge are associated with Murray Mark School. As part of an existing educational establishment these buildings are acceptable in the Green Wedge. If the proposal was to be permitted the existing wedge would be narrowed in this general location.

By the nature of the definitions above, Green Wedges have some areas within them which are more sensitive than others. In the case of the Mickleover/Mackworth Wedge the centre of the wedge is the most sensitive part in terms of its open and undeveloped character. The areas on the edges of the wedge and adjacent the existing built form, although still very important and very much part of the wedge, are slightly less sensitive in terms of their role in providing an open break between the two suburbs.

The proposal would mean major residential development in part of the wedge which is currently open therefore clearly conflicts with policy E2.

### **Sports Pitches and Playing Fields**

Policy L6 of the CDLPR also requires careful consideration. This policy deals with the loss of land currently or formerly used for sport or recreational purposes including land associated with educational uses.

The policy seeks to prevent the loss of such land unless one or more of three criteria are met. These are:

- a. The facilities now provided can be fully retained or enhanced through the development of only a small part of the site; or
- b. The alternative provision of another site of the same or better facilities in terms of community benefit is implemented before the commencement of development; or
- c. It is demonstrated to the satisfaction of the City Council that the site is not required to be retained for sports or recreational purposes and there is an excess of suitable sports pitch and open space provision in the area.

The policies are broadly in line with paragraphs 73 and 74 of the NPPF as detailed above.

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In considering the playing fields issue it is worth noting that the playing fields were recreational facilities associated with the College which has now been relocated to Pride Park and the Roundhouse. An important consideration is therefore if, and to what degree the pitches and fields retained in the proposal will continue to be used for College related sport and recreation activities.

Having said this, some of the pitches are used for public sport and recreational activities and provide a significant community benefit. Consideration must be given to the negative impact of the loss of playing fields and pitches and the degree to which the pitches which are retained are adequate to meet existing needs and those arising from the proposal and the benefits of the new community facilities. This should include consideration of not only the community demand for use of the pitches but the times at which that demand is greatest. As the Council does not have an up to date assessment of playing pitches it is very difficult to determine whether there is an excess or surplus of playing pitches in the area. What is clear though is that the development would involve the loss of land currently used as playing fields.

The applicant has submitted supplementary supporting information relating to the playing fields which is dealt with in a section below. Sport England has objected to the proposal on the basis that playing fields will be lost.

### **Public Open Space**

An area of onsite open space is proposed and it is logical that this sits on the southern and south western periphery of the site where, by its open nature, it can continue to form part of the Green Wedge at the point where the wedge is most sensitive in terms of its openness.

### **Community Facilities**

The proposal includes new community facilities in the form of additional changing rooms and a health centre. Policy L11 of the CDLPR is relevant. This relates to facilities being well related to the population which they are intended to serve, properly designed and allowing access and servicing facilities. As indicated by the Ward Members and consultation events there has been a good level of community consultation/involvement in considering this proposal and indeed the community has expressed a specific desire for some of the proposed community facilities and this weighs in favour of the proposal.

### **Residential Development – General Criteria**

Careful consideration should also be given to Policy H13, its policy wording, criteria and supporting text. In order for the proposal to be considered acceptable the criteria of H13 should be met. These include matters relating to the density, form and design of the development, the layout of buildings and open spaces and the standards of privacy and security. Some of these matters are more relevant to more detailed reserved matters which would be considered should the outline be approved. However, generally the density, scale and layout of the indicative masterplan seem acceptable subject to the principle being established.

### **The National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published by the Government in March 2012 and replaced a set of previous planning policy guidance notes and planning policy statements. The NPPF is an important material consideration in the determination of the application and sets out the Government's policies on planning

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and development. Not only is the NPPF radical in its reduction in the length and detail of national planning policy but it makes a step change in how the Government's approach as to how decision making and plan making should be implemented.

The golden thread which runs through the (NPPF) (Para 14) is a "presumption in favour of sustainable development". Paragraph 47 also sets out the Government's objective to "boost significantly the supply of housing". Both of these objectives are clearly relevant in determining the application.

In terms of decision taking the "presumption" is defined as:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

It is important to remember that the NPPF provides a policy framework for a whole range of planning related issues and not just housing. The thread of 'Sustainable Development' is embedded in these policies and is therefore probably the most important factor in decision making.

It is considered that the policies of the City of Derby Local Plan Review (CDLPR) have a high level of consistency with the NPPF and should, therefore, continue to be the starting point for all decisions and given a significant amount of weight in this and any other application.

Para 48 of the NPPF requires local authorities to maintain a supply of deliverable housing sites to meet needs for at least 5 years. It states that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. The issue of 5 year supply is dealt with in more detail in the Housing Land Supply section below.

Paragraph 73 and 74 of the NPPF are of particular relevance as they relate to development of open space and playing fields.

Paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

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This is broadly consistent with policies L1 and L6 of the CDLPR which are detailed below.

### **The Regional Spatial Strategy for the East Midlands**

Along with the CDLPR, the Regional Spatial Strategy for the East Midlands (RSS) is a part of the development plan for Derby City. The RSS sets the target for the minimum amount of housing that should be delivered in the City between 2006 and 2026. That target is 14,400 additional dwellings to be provided over the period.

However, Members should be mindful that, whilst it is a material consideration in the determination of planning applications, the Government intends to revoke Regional Plans including the RSS. The Localism Act has put the mechanisms in place for the RSS to be revoked and for the Council to set its own objectively assessed housing targets. The Council is therefore preparing a robust, objectively assessed base of evidence to inform its new housing deliver strategy and to set a target for the number of dwellings which need to be provided in the City up to 2028.

### **The Preferred Growth Strategy**

Members will be aware that the Council recently carried out a consultation on its 'Preferred Growth Strategy' (PGS). The PGS is effectively the Council's preferred strategy to meet its identified growth needs, particularly in terms of housing needs for the next 15 years. The Council is working closely with its Housing Market Area neighbours (Amber Valley Borough Council and South Derbyshire District Council) to plan to meet our housing needs in a co-ordinated, sustainable manner and to ensure that the relevant infrastructure to support the growth is delivered. This involves housing development to meet the City's needs both in and on the edge of the City in South Derbyshire and Amber Valley.

The PGS is a consultation document and is not adopted Council policy. However it is a stage in the production of the Council's Core Strategy which, when adopted will form part of the new Local Plan for the City. As such the PGS has is a material consideration but has limited weight.

The PGS identifies what the Council considers to be a set of sustainable, developable sites in the most suitable locations which will contribute to meeting the City's objectively assessed needs for housing. The sites identified for development includes some land which is identified as Green Wedge in the Local Plan.

Although the development of some land in Green Wedges is necessary to deliver the amount of housing needed the PGS acknowledges the important role that green wedges play in separating and defining different areas of the City and seeks to ensure that viable green wedges are retained and their accessibility and green infrastructure role is strengthened. A Green Wedge Review was developed to identify the less sensitive areas of land within wedges which might be able to accommodate new housing while still maintaining the principle of the wedge. Along with other evidence this has been used to identify the sites in the PGS. As an up to date assessment, the Green Wedge Review is also a material consideration in determining the application although the evidence is yet to be tested at Public Examination.



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In the case of the Mickleover/Mackworth Green Wedge the Green Wedge Review has identified some scope for releasing some land in the wedge for housing development while still maintaining a viable wedge.

Based on all of the Core Strategy evidence including the Green Wedge Review, the PGS identifies the proposed site as a sustainable housing location as part of the Council's strategy. It identifies an area of land broadly matching the proposal site as appropriate for delivering a minimum of 220 new dwellings. It also states that the development of the site will 'retain and contribute to the strengthening of the green corridor along the former Great Northern Railway'. The assessment work which supports the PGS identifies the playing fields as an issue which will need to be satisfactorily resolved. The application has been drawn up and amended to reflect the aspirations set out in the PGS and to seek to maintain a viable wedge while releasing some land for short term housing delivery.

### **Housing Land Supply**

The NPPF requires that local authorities identify and maintain enough deliverable housing sites for 5 years. The definition of 'deliverable' means that they are in a suitable location for housing, that the land is available for development and that development would be economically viable.

The Council cannot currently demonstrate a 5 year supply of deliverable housing sites. As previously mentioned the Council is seeking to identify its housing needs and meet them through the Core Strategy process and until the Core Strategy is formally adopted many of the sites identified in the PGS cannot be counted in the supply.

This lack of sites is not necessarily down to the availability of land. It is also influenced by the fact that it is not currently viable for developers to build on certain housing sites because of economic and market conditions.

However as mentioned above, in the event that an authority cannot demonstrate a 5 year housing supply the NPPF states that it should grant planning permission for residential developments unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

### **Other Matters**

Existing local facilities are located at the Mackworth District Centre on Prince Charles Avenue and at a local Neighbourhood Centre at Humbleton Drive; both locations are considered to be walkable from the application site and provide a variety of local facilities.

Mackworth, as an urban area, is considered to be well served by public transport and a good regular bus services travels along Prince Charles Avenue. Two bus stops are located in close proximity to the access junction.

The application site is located within flood zone 1 and the application is accompanied by a Flood Risk Assessment. The comments of the Environment Agency and colleagues in Land Drainage are set out in section 8 and 5 of this report. There are some known issues relating to the impact of surface water run-off from this site on the former railway line to the south. The development of the site would need to ensure that the issues of surface water flooding in this location are not exacerbated and potentially improved to be in line with Policy GD3 (criterion b and e).

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The scale of the proposed development would give rise to certain requirements to be met through a Section 106 agreement. The Planning Obligations SPD will identify the requirements and colleagues within the Planning Implementation Team are currently negotiating the Heads of Teams of the Section 106 agreement which is likely to fulfil the requirements of policies H11, H12, L2 and L3 in respect of affordable housing, lifetime homes and public open space. The proposed community benefits both on site and off site will probably be a factor in negotiating the details of the S106 agreement as the applicant has worked closely with the local community to deliver some of their aspirations through the development.

### **Playing Fields**

The College has confirmed that the playing fields and pitches have been used by the Derby County Ladies Football Team and occasionally for rugby training however these uses have ceased due to health and safety concerns. Historically there were three pitches in this area and no artificial pitches. When the artificial space was put in place the remaining space was used for three junior pitches. The pitch was significantly improved in 2004 and extended to form a senior pitch, allowing the college's league team to play their matches. The college confirmed that there have been no community uses of this pitch with the exception of occasional use by Derby County Ladies Football Team. Therefore over time three junior pitches have been enlarged to form senior pitches with the match pitch only being used by the college.

More recently, in 2012, a replacement artificial surface was laid which has allowed significant community use since its completion. Despite the colleges move away from Prince Charles Avenue and developing its own facilities at Broomfield College, it maintains an obligation to manage the facilities which also includes an agreement (outside of the scope of planning) facilitating community use of the pitches on the site such as local football teams including Mackworth St Francis. In addition the college's pitch, which was previously not available for community use, is now available.

In addition, the College is in discussions with Derby County FC with regards to community investment under its Football in the Community Programme. Derby County Football Club have expressed an ability to invest money into the site, including existing facilities and those proposed to the west of the footpath in order to provide wider community programmes, upon the application receiving a grant of planning permission thus providing a catalyst for additional community benefits. Additional community uses could be secured through the college entering into a legal agreement that requires community use of the site under the Football in the Community Programme. The approval of this application could therefore seek to secure significant opportunities for further funding and wider community benefits.

Whilst the above has been duly considered by Sport England they maintain their objection to the proposal due to the fundamental loss of playing fields and pitches. Whilst there may be a change in circumstance and/or ownership of the playing pitches and fields there will remain a loss playing pitches that the applicant has failed to demonstrate which exception to playing field protection policy applies in this instance?

Whilst I accept the submission fails to broadly conform to any of the 5 policy exceptions there are wider benefits which in my opinion must be given weight in the determination of this application. Colleagues within the Council's Leisure Section

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have not objected to the loss of the playing fields and pitches and, in principle, support the proposal. They support the Leisure Facility Framework that underpins the development of new sport and leisure facilities and will expand the existing partnership opportunities that are being developed at the site which can positively contribute to indoor and outdoor sports facilities in serving local community needs and the satellite level 2 facilities..

### **Traffic and Highways**

The submitted Transport Statement has been duly considered by colleagues within highways development control and transport planning who both conclude that subject to compliance with conditions and a suitable mitigation package which can be secured through the Section 106 agreement the proposal will not have a detrimental impact on the local highway network.

There is considered to be a net decrease in traffic generation; when taking into consideration the sites previous use as a college. The proposed development will generate a two-way traffic flow of 169 during the AM peak and 191 during the PM peak. The college previously generated a two-way traffic flow of 579 during the AM peak and 386 during the PM peak.

Despite the above it is important to consider the cumulative impact of this proposed development with development in the locality that benefits from existing planning permissions and the impact this will have the network in this locality as there is considered to be a net increase in comparison to the existing use. This is an increase of 43% in the am peak and 208% increase in the pm peak of traffic travelling towards the city; and will significantly exacerbate existing problems at certain junctions that are already operating over capacity by 2017 (indicative year of opening) at Markeaton Island; Brackensdale Avenue an increase of 10% in the AM and 11% in the PM peaks and Lyttelton Street with an increase of 10% in both the AM and PM peaks. There are, presently, no proposals to carry out any major infrastructure improvements to the local network in this locality. Notwithstanding that, the Local Authority is looking to explore options to provide soft measures to encourage a change in travel behaviours instead of the prominent car use. It should be noted that the proposed Highways Agency scheme at the A38 Derby Junction will help to increase capacity; however there are no timescales for the implementation of this scheme.

Whilst the proposed development demonstrates a net decrease in traffic generation, the cumulative impacts are considered material and it is felt a full section 106 contribution or a contribution similar to that secured under the Persimmon development shall aid mitigation for the scheme. The contribution would be towards the provision/maintenance of alternative facilities that may include cycling, walking or bus initiatives in the vicinity of the development. There are two current scheme under the Rights of Way Plan (ROWIP) 2013/17 that would integrate with the proposed development and be of a benefit for future residents. The two schemes are:

Scheme 2 of the ROWIP would require the utilisation of a path through the grounds of the former Mackworth College, linking Prince Charles Avenue with the Mickleover Greenway, as a walkway / cycleway. This proposal will increase access to the Mickleover Greenway for people living on the western edge of Mackworth and extend the off-road path network in this area, providing additional leisure opportunities.

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Scheme 3 of the ROWIP would require the provision of a new walkway / cycleway linking Brisbane Road, Mickleover with the Mickleover Greenway at Mackworth Park, south of Greenwich Drive South. This proposal will increase access to the Mickleover Greenway for people living on the eastern edge of Mickleover, particularly from the new housing development on the site of the former University of Derby (Mickleover Campus), off Chevin Avenue. It will also extend the off-road path network in this area, providing additional leisure opportunities.

Whilst scheme 3 has a more of a direct link within the Mickleover ward the route will join up with scheme 2 and will provide dual benefits for residents of both the Mickleover and Mackworth wards, including those who will use the community and leisure facilities being provided as part of this proposed development.

### **Impact on Residential Amenity and Third Party Representations**

The detailed issue of gauging the impact on the residential amenities currently enjoyed by neighbouring properties in relation to the built forms of the proposals will be addressed during the reserved matters application(s). However I would note that the application site only shares one boundary with existing residential properties, which are currently under construction by Persimmon Homes.

The application has only attracted one letter of objection which is concerned with the scale of the proposed dwellings houses; scale and external appearance are not being applied for under this outline planning application. Therefore I can only assume local residents have no objections to the introduction of housing in this locality, the loss of open space, green wedge and playing fields. The application is also supported by the Local Ward Members, who have written in support of the proposal, its improvements to local facilities and wider benefits.

Whilst the section 106 is still be negotiated heads of terms are likely to be secured for contributions towards education, affordable housing, open space and public art. In terms of community facilities the development seeks to include an extension and improvement to the community centre at St Francis Church and the construction of additional changing rooms will contribute to a sports facilities contribution. Furthermore, the development will include a toddler and junior play area and on-site incidental open space.

Any future reserved matters application(s) should also consider the amenity and living environment for the future occupiers of the dwelling houses paying particular reference to the positioning of properties, neighbouring properties and community facilities.

Further discussions will also need to take place and are encouraged through preliminary application discussions in respect of the detailed design of the proposals and how they will integrate with the locality and create a distinctive place that will not erode, further into the Mickleover/Mackworth Green Wedge.

### **Surface Water and Land Drainage**

The application is accompanied by a Flood Risk Assessment (FRA) which has been considered by Environment Agency and colleagues within Land Drainage; their full comments provided in Section 8 and 5 of this report respectively. The applicant/agent has submitted further information following initial objections and this is considered to

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be satisfactory at this outline planning stage. However conditions have been requested in respect of submitting a full drainage strategy.

### **Trees, Ecology and Protected Species**

The application is accompanied by various ecology reports relating to Bats, Badgers and Reptiles which have been duly considered by Derbyshire Wildlife Trust and the Councils Natural Environment Section. No evidence of protected species was recorded within the application site or within a 30 metre radius and is therefore considered to be of a relatively low ecological value. No objections have been sustained.

The application is also accompanied by a Preliminary Tree Survey which identifies the health and location of the existing trees within the application site; there are a number of group Tree Preservation Orders across the site and particularly at the entrance which should be retained as part of any reserved matters application(s). Any future applications should be accompanied by a landscape masterplan in order to ensure the long term retention of existing trees, the provision of a visual landscaped barrier between the built form and the remaining green wedge.

### **Summary**

The proposal is contrary to adopted Local Plan policy. It would mean the development of residential uses in a green wedge which is predominantly undeveloped and is generally open in character. The wedge would then be narrowed bringing the separate communities of Mickleover and Mackworth closer together. The proposal would also mean the loss of playing fields and sports pitches which would not be completely replaced.

However, the Council must seek to meet its housing requirements and National planning policy requires that if the City Council cannot identify enough deliverable housing sites to provide for a 5 year supply that permission for residential development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Because the site has been identified in the PGS/emerging Core Strategy it has been accepted that development would be acceptable, in principle, and that therefore the adverse impacts of developing the site would be outweighed by the benefits. In coming to this decision regard has been had to the fact that the Green Wedge would become more narrow in this location but that it would still be able to perform its function in separating the two communities and allowing the countryside to penetrate into the City.

Although some playing fields are technically being lost, a range of facilities will be retained and some will be enhanced and Leisure Services are supportive, in principle, that opportunities are being developed at the site which can positively contribute to indoor and outdoor sports facilities in serving local community needs and providing satellite level 2 facilities.

As well as bringing forward market housing the proposal would also deliver new much needed affordable housing. The amount of affordable units would be established through a section 106 agreement.

Further weight in favour of the proposal arises from the fact that the local community has been involved in the process and has identified new community infrastructure

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which the development will bring forward, that local Ward Members have supported the principle, and that the College will be investing further to educational infrastructure in the City.

Ideally the decision as to the appropriateness of the site for housing should be dealt with through the plan making process where we can properly consider all strategic implications and infrastructure requirements. However, the application has been made and is before the Council for determination. On balance, it is felt that the merits of the proposal outweigh its negative implications. Members should be mindful that the outstanding objection from Sport England prompts the referral of the application to the National Planning Casework Unit for further scrutiny and consideration. Given the nature of the issues in this case and the complexities of the emerging policy context, my officers will continue to work on this application, beyond the formal publication of the report, and may supplement your report with further information and oral updates at the meeting.

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

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

##### **11.1 A. To refer the application and all supporting information to the National Planning Casework Unit (NPCU)**

**B. Subject to the NPCU being satisfied with the content of the application and associated recommendation to authorise** the Director of Planning and Facilities Management 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 Legal and Democratic Services to enter into such an agreement.

**C. To authorise** the Director of Planning and Facilities Management to **grant permission** upon conclusion of the above Section 106 Agreement.

##### **11.2. Summary of reasons:**

The proposed development has been carefully considered in accordance with current central government advice, the scope of extant saved policies and the emerging evidence base for housing delivery for the city and neighbouring authorities. In this context the proposed development is considered to be, on balance, acceptable in principle and would serve to deliver housing in a highly sustainable location with associated public benefits in the form of improved health care provision and managed sports facilities for the wider community

##### **11.3. Conditions:**

1. Standard condition 01 (layout, scale, appearance of buildings and landscaping)
2. Standard condition 02 (approval of reserve matters)
3. Standard condition 100 (approved plans)
4. Standard condition 24A (protection of vegetation)
5. Non-standard condition requiring the submission of a tree constraints plan, an arboricultural method statement, tree protection plan, details of service runs and mitigation planting

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6. Details submitted pursuant to condition 1 above shall include a landscaped buffer along the perimeter of the site where it adjoins the existing Green Wedge. The buffer zone shall be at least 10 metres in depth, unless otherwise agreed in writing with the Local Planning Authority, and can comprise earth mounding together with woodland planting. The buffer zone shall be implemented in its entirety upon occupation of the 50th dwelling. No further dwellings shall be occupied until this screening has been completed in accordance with the approved plans.
7. Standard condition 22 (conditions 1 and 6)
8. Non-standard condition requiring the submission of details of foul and surface water schemes and drainage strategies, together with details of the future maintenance of drainage systems and an assessment of the hydrological and hydrogeological context of the development
9. This outline permission does not indicate the acceptability of the detailed layout Drawing No. HG0063/D02/REVB
10. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
  - a survey of the extent, scale and nature of contamination;
  - an assessment of the potential risks to:
    - a. human health
    - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - c. adjoining land
    - d. ground waters and surface waters,
    - e. ecological systems
    - f. archaeological sites and ancient monuments
  - an appraisal of remedial options, and options, and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11

11. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment

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must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation

12. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

13. In those cases where the detailed investigation report confirms that contamination exists, a remediation method statement will be required for approval.
14. All of the respective elements of the agreed remediation proposals will need to be suitably validated and a validation report shall be submitted to and approved in writing by Derby City Council, prior to the development commencing.
15. Prior to commencement of development the details of the internal layout which shall include details of the disposition of buildings, parking, pedestrian connections to the existing and proposed external network of paths, streets, surface water drainage and associated public spaces for the development shall be submitted to and approved in writing by the LPA and shall be designed in accordance with the principles set out in 'Manual for Streets'. Other constructional details shall conform to the 6C's Highway Design Guidance
16. No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority
17. The properties of the development hereby permitted shall not be occupied until the existing public footpath between Prince Charles Way and Mickleover has been enhanced by the provision of street lamps in



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accordance with details that shall first be submitted to and approved by the local planning authority and thereafter constructed in accordance with the approved plan

18. The existing public footpath between Prince Charles Way and Mickleover shall be permanently made accessible and open for public use during the construction of the development hereby permitted in accordance with a programme of works that shall first be submitted to and approved in writing by the local planning authority prior to commencement of development
19. Prior to the commencement of the proposed additional sports facilities and health care provision the proposed additional car parking spaces shall be constructed in accordance with details that shall first be submitted to and approved by the local planning authority and thereafter constructed in accordance with the approved plan

### **11.4. Reasons:**

1. Standard reason E01
2. Standard reason E02
3. Standard reason E04
4. Standard reason E11 (E9)
5. Standard reason E11 (E9)
6. To reduce the impact of the development on the openness of the Green Wedge and in accordance with policies E2, E16 and E17 of the adopted City of Derby Local Plan Review.
7. Standard reason E10 (GD4, GD5, H13, E2)
8. Standard reason E21 (GD3)
9. Standard reason E04
10. Standard reason E49 (E18)
11. Standard reason E49 (E18)
12. To ensure that the proposed road layout is designed to an appropriate standard and will produce a workable layout that will serve future residents adequately and in accordance with saved policy T4 of the adopted City of Derby Local Plan Review.
13. To promote sustainable travel and in accordance with saved policies T4, T6, T7 and T8 of the adopted City of Derby Local Plan Review.
14. To ensure safe and convenient use of the existing public footpath and in accordance with saved policies T6 and T2 of the adopted City of Derby Local Plan Review.
15. To ensure safe and convenient use of the existing public footpath and in accordance with saved policies T6 and T2 of the adopted City of Derby Local Plan Review.

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16. To ensure that the proposed additional parking is designed to an appropriate standard and to avoid the parking demand needs of the development does result in indiscriminate parking on both the application site, the adjoining site and Prince Charles Avenue.
17. Standard reason E14 (GD4 / H13)
18. Standard reason E14 (GD4 / H13)
19. Standard reason E14 (GD4 / H13 / T4)

### **11.5. Informative Notes:**

- 1) Derby City Council operates the Advanced Payments Code as set out in sections 219 to 225 Highways Act 1980 (as amended). You should be aware that it is an offence to build dwellings unless or until the street works costs have been deposited with the Highway Authority.
- 2) For details of the 6C's design guide and general construction advice please contact Robert Waite/Tina Cooke Tel 01332 641876.
- 3) Para 2.21 of the Design and Access Statement makes reference to typical local street geometry which although of interest it should be noted that geometry shall be informed by Manual for Street 1 and the 6 C's Guide. The link to the latter is [http://www.leics.gov.uk/index/6csdg/highway\\_req\\_development\\_part3.htm#section\\_dg2\\_geometry\\_safety](http://www.leics.gov.uk/index/6csdg/highway_req_development_part3.htm#section_dg2_geometry_safety)
- 4) Paras 2.31 and 3.10 makes reference to 'Building for Life—Delivering Great Places to Live (CABE Nov 2008)' which has now been replaced by an updated version. See <http://www.designcouncil.org.uk/our-work/CABE/Localism-and-planning/Building-for-Life/>. It is suggested that this latest document provides a better basis to evaluate the merits of the scheme.
- 5) Para 2.38 of the Design and access Statement states the 'City Council will seek to ensure that no more than an average of 1.5 off-street parking will be considered for each development proposal....'. Since the Local Plan was published National Government in January 2011 has subsequently rescinded this requirement and advised that 'From now on, councils and communities will be free to set parking policies that are right for their areas' 03/01/2011 The Rt Hon Eric Pickles MP.
- 6) In the interests of using land efficiently, it is advised that public space which includes the space that will be allocated for streets, sustainable urban drainage, amenity and bio-diversity is designed in a coherent and integrated way. On this basis, developers are urged to engage in early pre-application discussion with officers of the Council.
- 7) The design issues arising from 6) above may result in maintenance liabilities that result in a commuted maintenance payment. This matter shall be discussed as details of the scheme evolve.
- 8) The illustrative masterplan layout (i.e. Drawing No.HG0063/D02/REVA) including the Flood Risk Assessment (Report Ref: DCO00049FR1/V1.0) provides a very broad indication of a proposed sustainable urban

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drainage solution. The FRA is vague about the potential use of swales as a SUDS solution. If these are to be used then they need to be integrated into the public open space and may affect the illustrative masterplan layout. As inferred in previous notes early discussion is essential with Council officers to examine the scope to provide multi-functional public space to benefit the overall letter.

### **11.6. S106 requirements where appropriate:**

At the time of drafting the report the agreed Heads of Terms are as follows:

17% affordable housing with the agreement that the money generated by not asking for 30% will be used to repay investment in the Roundhouse and the delivery of the University Technical College. If investment in the UTC hasn't been made by the end of 2015, a payment will be made in lieu of affordable housing.

Highways - £710 per house and £273 per apartment for highway work/pedestrian /cycle/travel planning reasonably capable of serving the application site

Community facilities - Extension and improvement to community centre at St Francis church

Sports facilities - construction of additional changing rooms to serve the pitches at Prince Charles Avenue.

Open space - Provide toddler and junior play area and on-site incidental open space-enter into management plan to ensure continued usage of existing pitches

Education - As assessment of capacity will be done at reserved matters stage and education contributions for primary and secondary made if necessary

Health - On site health facilities to be delivered. If this does not come forward before 150 dwellings a financial contribution will be paid

Public art - £10,000 to be paid on commencement

Legal and admin fees

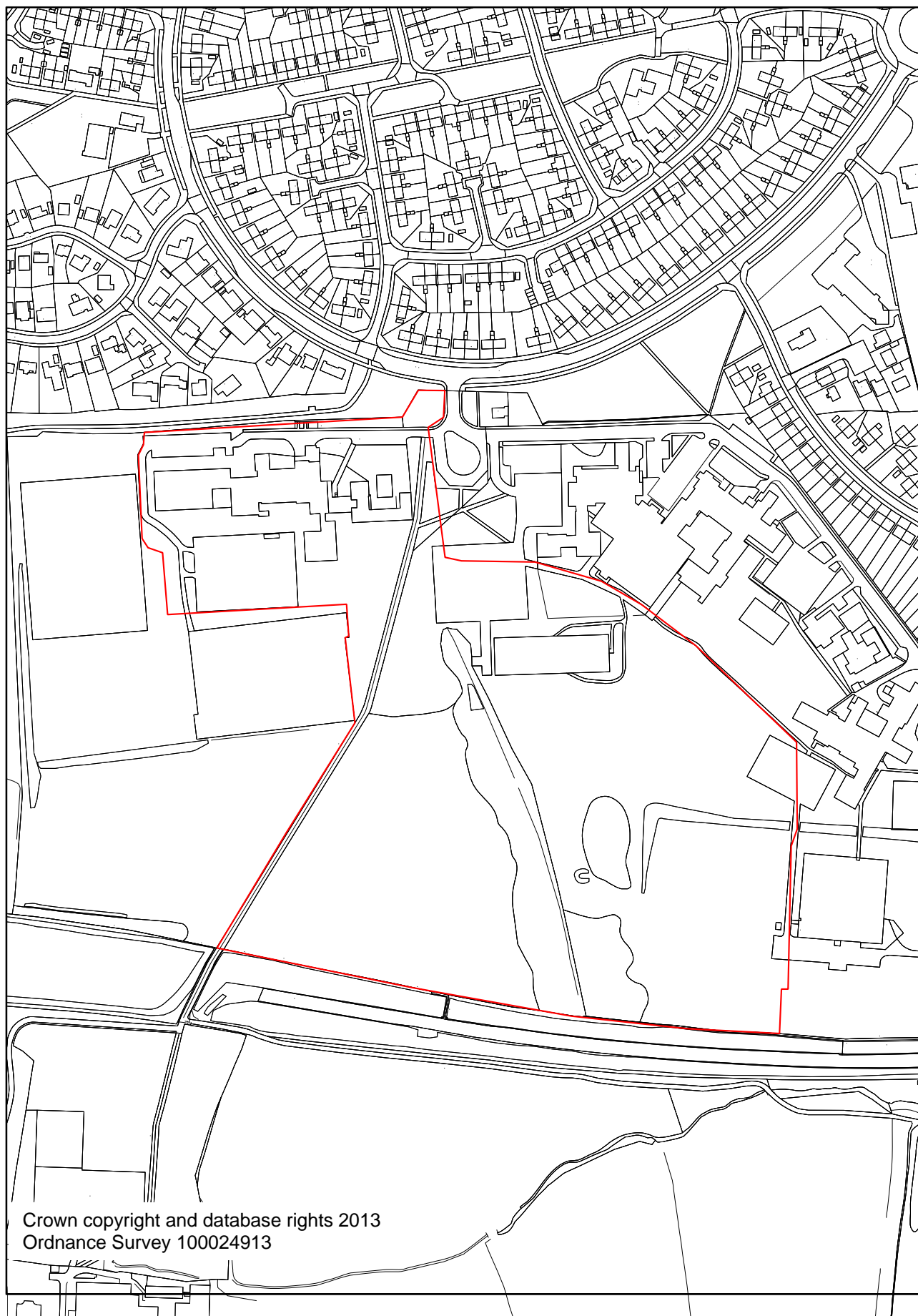
### **11.7. Application timescale:**

The application expired 8<sup>th</sup> March 2013 and is brought before committee due to the Green Wedge designation of the application site and Sport England Objection.

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# Derby City Council

## Delegated Decisions Made Between 01/01/13 and 28/02/13

| Application No  | Application Type             | Location  | Proposal   | Decision                   | Decision Date |
|-----------------|------------------------------|---|--|----------------------------|---------------|
| 03/11/00284/PRI | Full Planning Permission     | Kingsway Hospital, Kingsway, Derby  | Formation of staff car park and installation of lighting columns   | Granted Conditionally      | 28/02/2013    |
| 09/11/01075/PRI | Full Planning Permission     | Rolls Royce Marine, Raynesway, Derby, DE21 7BE                                | Formation of car park  | Granted Conditionally      | 28/02/2013    |
| 04/12/00420/PRI | Full Planning Permission     | 186 Clarence Road, Derby, DE23 6LT  | Demolition of store room and w.c. Single storey rear extension to dwelling house (kitchen, back room and w.c)  | Granted Conditionally      | 25/01/2013    |
| 07/12/00801/PRI | Full Application - Article 4 | 22 Vivian Street, Derby, DE1 3RZ  | Retention of installation of replacement windows and door  | Refuse Planning Permission | 11/02/2013    |
| 07/12/00925/PRI | Full Planning Permission     | Elizabeth House and Victoria House, Leylands, Broadway, Derby, DE22 1AZ       | Retention of use as Residential Institution (Use Class C2) and installation of replacement windows and doors   | Granted Conditionally      | 11/02/2013    |
| 08/12/00947/PRI | Full Planning Permission     | Site of Sunnyhill Infant School, Blackmore Street, Derby, DE23 8AX            | Erection of 70 extra care apartments and associated facilities   | Granted Conditionally      | 17/01/2013    |
| 08/12/00975/PRI | Full Planning Permission     | 20 Wilson Street, Derby, DE1 1PG  | Excavation work to dwelling frontage to allow access to basement conversion, and the erection of railings to front boundary wall (max height 1.5 metres) | Granted Conditionally      | 05/02/2013    |
| 08/12/01018/PRI | Full Planning Permission     | Island adjacent weir on River Derwent, off Darley Street, Darley Abbey, Derby | Erection of fish pass  | Granted Conditionally      | 06/01/2013    |
| 09/12/01097/PRI | Full Planning Permission     | Hanson Building Products Ltd, Alfreton Road, Derby, DE21 4BN                  | Extension to industrial unit (offices), partial re-cladding of industrial unit and revised access layout.  | Granted Conditionally      | 08/01/2013    |
| 09/12/01100/PRI | Works to Trees under TPO     | Yew Tree House, Leafgreen Lane, Littleover, Derby, DE23 7TZ                   | Crown lifting to give 5.2m clearance from ground level of various trees protected by Tree Preservation Order No 36                                       | Granted Conditionally      | 31/01/2013    |

| Application No  | Application Type                      | Location   | Proposal   | Decision              | Decision Date |
|-----------------|---------------------------------------|--|--|-----------------------|---------------|
| 09/12/01124/PRI | Full Planning Permission              | Former Zanzibars, London Road, Derby, DE1 2PA                    | Alterations to front elevation to install cladding and entrance doors and alterations to the side elevation to install ventilation duct and air conditioning units | Granted Conditionally | 23/01/2013    |
| 09/12/01132/PRI | Works to Trees under TPO              | Friarsfield, 3 Burleigh Drive, Derby, DE22 1AL                   | Crown lift to 5 metres four trees and remove some epicormic growth, remove lower branch to Ash tree protected by Tree Preservation Order No. 226                   | Granted Conditionally | 17/01/2013    |
| 09/12/01133/PRI | Works to Trees in a Conservation Area | 15 Park View Close, Allestree, Derby, DE22 2GH                   | Crown lift to 4 metres one yew tree and one spruce tree within Allestree Conservation Area   | Raise No Objection    | 17/01/2013    |
| 09/12/01139/    | Full Planning Permission              | 17 Cranmer Road, West Meadows Industrial Estate, Derby, DE21 6JL | Change of use from Light Industrial/Warehouse (Use Classes B1/B8) to Indoor Cricket Centre (Use Class D2)  | Granted Conditionally | 18/01/2013    |
| 09/12/01146/PRI | Full Planning Permission              | 29 Stafford Street, Derby, DE1 1JL                               | Change of use from dwelling house (Use Class C3) to House in Multiple Occupation   | Granted Conditionally | 06/02/2013    |
| 09/12/01149/PRI | Full Planning Permission              | 113 Arthur Street, Derby, DE1 3EJ                                | Installation of replacement windows  | Granted Conditionally | 25/01/2013    |
| 09/12/01150/DC5 | Prior Notification                    | Pavement, Belper Road, Derby (rear of 110 Duffield Road)         | Erection of equipment cabinet  | Raise No Objection    | 07/02/2013    |
| 09/12/01152/PRI | Works to Trees in a Conservation Area | Southfield, 10 Orchard Street, Mickleover, Derby, DE3 5DF        | Felling of two trees within Mickleover Conservation Area   | Raise No Objection    | 23/01/2013    |
| 09/12/01153/DC5 | Prior Notification                    | Pavement, Uttoxeter Old Road, Derby (adjacent Ashbourne Court)   | Erection of equipment cabinet  | Raise No Objection    | 07/02/2013    |
| 09/12/01158/DC5 | Prior Notification                    | Pavement at front of Derby Youth House, Mill Street, Derby       | Erection of equipment cabinet  | Raise No Objection    | 07/02/2013    |
| 09/12/01159/DC5 | Prior Notification                    | Pavement, Becket Street, Derby (side of 41 Wardwick)             | Erection of equipment cabinet  | Raise No Objection    | 07/02/2013    |
| 09/12/01160/DC5 | Prior Notification                    | Land at Becketwell Lane, Derby (side of 15 Victoria Street)      | Erection of equipment cabinet  | Raise No Objection    | 07/02/2013    |

| Application No  | Application Type                      | Location   | Proposal   | Decision                      | Decision Date |
|-----------------|---------------------------------------|--|--|-------------------------------|---------------|
| 10/12/01177/PRI | Listed Building Consent -alterations  | 16 South Street, Derby, DE1 1DS  | Repair slated roof and installation of replacement skylight together with internal alterations to include removal of fire surrounds in reception rooms 1 and 2 to reveal original chimney openings, open up wall adjacent to fireplace in reception room 2, partitioning of corridor to create a walk-in pantry, formation of steps to form separate access to bathroom and bedroom 3 together with partial damp proofing. Creation of bathroom on second floor. Rebuilding of part of garden wall | Granted Conditionally         | 06/02/2013    |
| 10/12/01181/PRI | Works to Trees under TPO              | 189 Station Road, Mickleover, Derby, DE3 5FG   | Felling of Cedar tree protected by Tree Preservation Order No 8  | Granted Conditionally         | 31/01/2013    |
| 10/12/01186/DC5 | Prior Notification                    | Pavement, Mercian Way, Derby (Adjacent junction with Curzon Street)                  | Erection of equipment cabinet  | Invalid - Finally Disposed of | 24/01/2013    |
| 10/12/01190/PRI | Works to Trees in a Conservation Area | 24 Chevin Road, Derby, DE1 3EX   | Reduction in height by 6 metres of 3 Lime trees within Strutts Park Conservation Area  | Raise No Objection            | 31/01/2013    |
| 10/12/01191/PRI | Works to Trees in a Conservation Area | 93 Belper Road, Derby, DE1 3ER   | Pruning of Laurel and Sycamore trees and topping of group of conifers by 1 metre and reduction of conifer (T4) by 3 metres within Strutts Park Conservation Area   | Raise No Objection            | 15/01/2013    |
| 10/12/01193/PRI | Works to Trees under TPO              | 35 Laburnum Crescent, Allestree, Derby, DE22 2GQ                                     | Reduction in height by 8m, pruning of extending branches by 3m and crown lifting of lower crown by 3m of Beech tree protected by Tree Preservation Order No 359  | Refuse Planning Permission    | 17/01/2013    |
| 10/12/01204/PRI | Full Planning Permission              | 51-53 Uttoxeter New Road, Derby, DE22 3NL  | Change of use from guesthouse (Use Class C1) to House in Multiple Occupation (Sui Generis use)   | Refuse Planning Permission    | 18/02/2013    |
| 10/12/01206/PRI | Full Planning Permission              | Land to the rear of 283 Morley Road, Oakwood, Derby, DE21 4TD                        | Erection of dwelling house and detached garage, carport and log store  | Granted Conditionally         | 14/01/2013    |
| 10/12/01213/PRI | Works to Trees under TPO              | Derby Independent Grammar School For Boys, Rykneld Road, Littleover, Derby, DE23 7BH | Cut back branches of 2 Ash trees protected by Tree Preservation Order No 78 to give 2m clearance of the roof of 13 Frampton Gardens  | Granted Conditionally         | 31/01/2013    |



| Application No  | Application Type                      | Location  | Proposal  | Decision                   | Decision Date |
|-----------------|---------------------------------------|---|---|----------------------------|---------------|
| 10/12/01218/DCC | Local Council own development Reg 3   | 120 Rosehill Street, Derby, DE23 8FY  | Single storey extension to dwelling house (enlargement of shower room)  | Granted Conditionally      | 04/02/2013    |
| 10/12/01220/PRI | Works to Trees under TPO              | 2 Ferrers Way, Derby, DE22 2AA  | Branch removal to give 1.5m clearance of Beech tree protected by Tree Preservation Order No 450   | Granted Conditionally      | 31/01/2013    |
| 10/12/01221/PRI | Works to Trees under TPO              | 80A Chestnut Avenue, Mickleover, Derby, DE3 5FS                               | Various works to trees protected by Tree Preservation Order No 8  | Granted Conditionally      | 17/01/2013    |
| 10/12/01223/PRI | Works to Trees in a Conservation Area | 130 Green Lane, Derby, DE1 1RY  | Felling of Holly tree and reduction of various trees within Green Lane and St.Peter's Conservation Area   | Raise No Objection         | 31/01/2013    |
| 10/12/01224/PRI | Full Planning Permission              | 58 West Bank Road, Allestree, Derby, DE22 2FZ                                 | Two storey rear extensions to dwelling house (kitchen and enlargement of two bedrooms and utility room)   | Granted Conditionally      | 04/01/2013    |
| 10/12/01231/PRI | Works to Trees in a Conservation Area | Coney Grey, South Drive, Derby, DE1 3ET                                       | Felling of Apple and Pear trees within Strutts Park Conservation Area   | Raise No Objection         | 17/01/2013    |
| 10/12/01248/PRI | Full Planning Permission              | 16 Lambley Drive, Allestree, Derby, DE22 2TH                                  | First floor extensions to dwelling house (bedroom, dressing area and en-suite)  | Refuse Planning Permission | 23/01/2013    |
| 10/12/01259/PRI | Works to Trees under TPO              | Trees off Hall Park Close, Littleover, Derby, DE23                            | Various works to trees protected by Tree Preservation order No 37   | Granted Conditionally      | 17/01/2013    |
| 10/12/01263/PRI | Full Planning Permission              | 1 Albion Street, Derby, DE1 2PR (Derby Direct Customer Service Centre)        | Change of use from Financial and Professional Services (Use Class A2) to Restaurant and Cafe (Use Class A3 or Public House (Use Class A4)   | Granted Conditionally      | 07/01/2013    |
| 10/12/01268/PRI | Works to Trees in a Conservation Area | 21 Queen Mary Court, Derby, DE22 1BB  | Felling of Prunus Serrulata in Struuts Park Conservation Area..   | Raise No Objection         | 01/02/2013    |
| 10/12/01269/PRI | Works to Trees under TPO              | Unit 3, The Normanton Centre, Normanton Road, Derby, DE23 6WL (Home Bargains) | Felling of London Plane protected by Tree Preservation Order No 327   | Refuse Planning Permission | 13/02/2013    |
| 10/12/01275/PRI | Listed Building Consent -alterations  | 25 Sadler Gate, Derby, DE1 3NL  | Retention of refurbishment of roof structure and internal alterations to form staircase, re-instate original openings, insertion of stud partitions and installation of shopfront and other external openings | Granted Conditionally      | 06/01/2013    |



| Application No  | Application Type                      | Location  | Proposal  | Decision                         | Decision Date |
|-----------------|---------------------------------------|---|---|----------------------------------|---------------|
| 10/12/01281/PRI | Full Planning Permission              | Kaydee Blinds, 650 City Gate Business Park, City Gate, Derby, DE24 8WY  | Change of Use from storage and distribution (Use Class B8) to mixed use as office (Use Class B1(a)) and storage and distribution. (Use Class B8)  | Granted<br>Conditionally         | 22/01/2013    |
| 10/12/01287/PRI | Full Planning Permission              | 21 Windley Crescent, Darley Abbey, Derby, DE22 1BZ                      | Part two storey, part single storey side extension to dwelling house (garage, utility room, w.c., snooker room, bedroom and en-suite)   | Granted<br>Conditionally         | 29/01/2013    |
| 10/12/01292/PRI | Full Planning Permission              | All Saints Church, Etwall Road, Mickleover, Derby, DE3                  | Installation of replacement windows and doors   | Granted<br>Conditionally         | 05/02/2013    |
| 10/12/01294/PRI | Full Planning Permission              | 12 Birches Road, Allestree, Derby, DE22 2HY                             | Extensions to dwelling house (garage, utility, w.c, boiler room, office, lounge, conservatory, 2 bedrooms, en-suite dressing room and enlargement of kitchen/family area and bedroom) and formation of vehicular access | Granted<br>Conditionally         | 18/01/2013    |
| 10/12/01300/PRI | Works to Trees in a Conservation Area | Highfield House, Highfield Gardens, Derby, DE22 1HT                     | Felling of Cherry Laurel, Lime and Maple trees within Strutts Park Conservation Area  | Raise No<br>Objection            | 15/01/2013    |
| 10/12/01301/PRI | Works to Trees under TPO              | The Limes Residential Home, 12 Limes Avenue, Mickleover, Derby, DE3 5DB | Removal of two branches of monkey puzzle tree and pollarding of 13 Lime Trees protected by Tree Preservation Order No. 548  | Refuse<br>Planning<br>Permission | 13/02/2013    |
| 10/12/01303/PRI | Full Planning Permission              | 50 Brayfield Road, Littleover, Derby, DE23 6GT                          | First floor extension to dwelling house (bedroom)   | Granted<br>Conditionally         | 14/01/2013    |
| 10/12/01304/PRI | Full Planning Permission              | 88 Arthur Street, Derby, DE1 3EH  | Single storey extension to dwelling house (w.c.)  | Granted<br>Conditionally         | 24/01/2013    |
| 10/12/01305/PRI | Full Planning Permission              | 29-33 St. Peters Street, Derby, DE1 2AA (Lloyds TSB)                    | Change of use of 29 St. Peters Street from Retail (Use Class A1) to Financial and Professional Services (Use Class A2), alterations to shop front and relocation of 3 ATM's   | Granted<br>Conditionally         | 15/01/2013    |
| 10/12/01306/PRI | Advertisement consent                 | 29-33 St. Peters Street, Derby, DE1 2AA (Lloyds TSB)                    | Display of various signage  | Granted<br>Conditionally         | 15/01/2013    |
| 10/12/01307/PRI | Full Planning Permission              | 10 Mileash Lane, Darley Abbey, Derby, DE22 1DE                          | Single storey extension to dwelling house (dining room)   | Granted<br>Conditionally         | 06/02/2013    |
| 10/12/01311/PRI | Full Planning Permission              | 44 Shardlow Road, Alvaston, Derby, DE24 0JJ                             | Retention of single storey extension to dwelling house (conservatory)   | Granted<br>Conditionally         | 05/02/2013    |

| Application No  | Application Type                      | Location   | Proposal  | Decision              | Decision Date |
|-----------------|---------------------------------------|--|---|-----------------------|---------------|
| 10/12/01317/PRI | Works to Trees under TPO              | 22 West Road, Spondon, Derby, DE21 7AB                               | Crown lift to 5m and removal of deadwood of Cedar Tree protected by TPO No.179  | Granted Conditionally | 17/01/2013    |
| 10/12/01318/PRI | Full Planning Permission              | 27 Carlton Gardens, Shelton Lock, Derby, DE24 9EN                    | First floor extension to dwelling house (bedroom and en-suite).   | Granted Conditionally | 06/02/2013    |
| 10/12/01320/PRI | Full Planning Permission              | 589 Burton Road, Derby, DE23 6EJ                                     | First floor extension to dwelling house (bedroom, dressing room and en-suite)-extension of time limit of previously approved application Code No. DER/10/09/01176/PRI by a further three years        | Granted Conditionally | 06/02/2013    |
| 11/12/01321/PRI | Full Planning Permission              | T C Harrison Ford, Stadium View, Pride Park, Derby, DE24 8JH         | Erection of offices for a temporary period of two years   | Granted Conditionally | 11/01/2013    |
| 11/12/01322/PRI | Full Planning Permission              | 65 Friar Gate, Derby, DE1 1DJ  | Change of use from school (Use Class D1) to dwelling (Use Class C3) and external alterations  | Granted Conditionally | 29/01/2013    |
| 11/12/01323/PRI | Listed Building Consent -alterations  | 65 Friar Gate, Derby, DE1 1DJ  | Extensions to school building (steps, balcony and conservatory) to form dwelling including reinstatement of doors and windows and internal alterations  | Granted Conditionally | 29/01/2013    |
| 11/12/01326/PRI | Works to Trees in a Conservation Area | Pineside, Burleigh Drive, Derby, DE22 1AL                            | Felling of Ash tree, crown thinning and crown reduction of branches by up to 1.5 metres of Rowan tree and crown reduction by up to 1.5 metres of Magnolia tree within Strutt's Park Conservation Area | Raise No Objection    | 15/01/2013    |
| 11/12/01328/PRI | Advertisement consent                 | Unit, Wyvern Way, Chaddesden, Derby                                  | Display of various signs including internally illuminated fascia signs, hanging signs and freestanding advertisements and directional signage   | Granted Conditionally | 03/01/2013    |
| 11/12/01330/PRI | Works to Trees under TPO              | Royal Derby Hospital, Uttoxeter New Road, Derby, DE22                | Felling of 3 Maple trees protected by Tree Preservation Order No.330  | Granted Conditionally | 16/01/2013    |
| 11/12/01331/PRI | Works to Trees under TPO              | Hayeleigh, 174 Duffield Road, Derby, DE22 1BH                        | Crown cleaning of Horse Chestnut Tree protected by Tree Preservation Order No.408   | Granted Conditionally | 06/02/2013    |
| 11/12/01334/PRI | Advertisement consent                 | Storage building, east of main car park, Markeaton Park, Derby, DE22 | Display of various non-illuminated fascia signs   | Granted Conditionally | 07/01/2013    |

| Application No  | Application Type                     | Location   | Proposal   | Decision                         | Decision Date |
|-----------------|--------------------------------------|--|--|----------------------------------|---------------|
| 11/12/01335/PRI | Full Planning Permission             | 78-82 Babington Lane, Derby, DE1   | Change of use from retail (Use Class A1) to dual use -hot food take-away (Use Class A5) and restaurant (Use Class A3)                          | Granted<br>Conditionally         | 16/01/2013    |
| 11/12/01341/PRI | Works to Trees under TPO             | 575 Burton Road, Derby, DE23 6FW   | Felling of Holly and Ash trees both protected by Tree Preservation Order No 291  | Granted<br>Conditionally         | 13/02/2013    |
| 11/12/01344/PRI | Full Planning Permission             | 21 Moorland Road, Mickleover, Derby, DE3 5FX                                   | Two storey rear extension to dwelling house (bedroom, en-suite and enlargement of kitchen/dining room), and alterations to existing roof       | Granted<br>Conditionally         | 08/01/2013    |
| 11/12/01345/PRI | Full Planning Permission             | 85 Elms Avenue, Littleover, Derby, DE23 6FE                                    | Single storey side and rear extensions to dwelling house (store, w.c, utility room and enlargement of dining room) and formation of decking    | Granted<br>Conditionally         | 03/01/2013    |
| 11/12/01347/PRI | Full Planning Permission             | 1295-1305 London Road, Derby, DE24 8QN (Iceland)                               | Erection of canopy   | Granted<br>Conditionally         | 03/01/2013    |
| 11/12/01350/PRI | Works to Trees under TPO             | 19 Foxglove Drive, Oakwood, Derby, DE21 2TH                                    | Felling of Oak tree (T1) and branch reduction by 3m of Oak tree (T2) to clear lighting column, both protected by Tree Preservation Order No 24 | Granted<br>Conditionally         | 01/02/2013    |
| 11/12/01351/PRI | Full Planning Permission             | Derby City Council, 839 London Road, Derby, DE24 8UZ                           | Formation of access footpaths to adjoin existing highway, relocated entrance bollards and road cross-over improvements                         | Granted<br>Conditionally         | 15/01/2013    |
| 11/12/01355/PRI | Full Planning Permission             | 22 Strand, Derby, DE1 1BE (Can Can)  | Installation of shopfront  | Granted<br>Conditionally         | 17/01/2013    |
| 11/12/01356/PRI | Listed Building Consent -alterations | 22 Strand, Derby, DE1 1BE (Can Can)  | Installation of shop front   | Granted<br>Conditionally         | 17/01/2013    |
| 11/12/01357/PRI | Outline Planning Permission          | Land north of junction of Royal Approach with Holmleigh Way, Chellaston, Derby | Residential development (one dwelling)   | Refuse<br>Planning<br>Permission | 16/01/2013    |
| 11/12/01358/PRI | Full Planning Permission             | Highfield House, Highfield Lane, Chaddesden, Derby, DE21 6PJ                   | Single storey rear extension to dwelling house (loggia)  | Granted<br>Conditionally         | 03/01/2013    |
| 11/12/01359/PRI | Variation/Waive of condition(s)      | Site of Fontenay, Old Hall Avenue, Littleover, Derby, DE23 6EN                 | Variation of condition 2 of previously approved planning permission Code No. DER/05/12/00574 to amend house design of plot 1                   | Granted<br>Conditionally         | 15/02/2013    |

| Application No  | Application Type                       | Location  | Proposal  | Decision                 | Decision Date |
|-----------------|--|---|---|--------------------------|---------------|
| 11/12/01361/PRI | Advertisement consent                  | 44 Friar Gate, Derby, DE1 1DA   | Display of non illuminated sign   | Granted<br>Conditionally | 15/01/2013    |
| 11/12/01362/PRI | Listed Building Consent -alterations   | 44 Friar Gate, Derby, DE1 1DA   | Installation of non illuminated sign  | Granted<br>Conditionally | 14/01/2013    |
| 11/12/01364/PRI | Full Planning Permission               | 132 Carsington Crescent, Allestree, Derby, DE22 2QX                     | Two storey extension to dwelling house (two bedrooms, enlargement of hall, garage, kitchen/dining room and bathroom)  | Granted<br>Conditionally | 14/01/2013    |
| 11/12/01365/PRI | Works to Trees under TPO               | 161 Blenheim Drive, Allestree, Derby, DE22 2GN                          | Crown reduce by 2 metres of 2 Ash trees and felling of Rowan all protected by Tree Preservation Order No 267  | Granted<br>Conditionally | 05/02/2013    |
| 11/12/01366/PRI | Local Council own development Reg 3    | Littleover Community School, Pastures Hill, Littleover, Derby, DE23 7BD | Formation of car park and hard play area (relocation from previously approved planning permission DER/05/12/00578) and re-grading of land levels.   | Granted<br>Conditionally | 06/02/2013    |
| 11/12/01367/PRI | Full Planning Permission               | Unit 4, Sawley Park, Nottingham Road, Derby                             | Installation of extraction unit   | Granted<br>Conditionally | 17/01/2013    |
| 11/12/01368/PRI | Certificate of Lawfulness Proposed Use | 9 Fieldfare Court, Littleover, Derby, DE23 7XX                          | Extensions to dwelling house (enlargement of dining room and formation of bedroom, en-suite and 2 store rooms in roof space)  | Granted                  | 20/02/2013    |
| 11/12/01370/PRI | Full Planning Permission               | 183C Duffield Road, Derby, DE22 1JB                                     | Enlargement of vehicular access   | Granted<br>Conditionally | 06/02/2013    |
| 11/12/01373/PRI | Works to Trees under TPO               | 11 Cherrybrook Drive, Oakwood, Derby, DE21 2SH                          | Crown reduction by 0.75 metre of Oak tree protected by Tree Preservation Order No 31  | Granted<br>Conditionally | 01/02/2013    |
| 11/12/01374/PRI | Works to Trees in a Conservation Area  | Trees at St. Christophers Court, Ashbourne Road, Derby, DE22 3FY        | Crown reduction by 2 metres and crown thin by 20%, 3 Maple and 2 Ash trees within Friar Gate Conservation Area  | Raise No Objection       | 17/01/2013    |
| 11/12/01376/PRI | Full Planning Permission               | 15 Park Farm Centre, Allestree, Derby, DE22 2QQ                         | Change of use from a retail unit (Use Class A1) to a Hot Food Take Away (Use Class A5), installation of extraction flue, condensing unit and erection of roof over service yard to form cold store, dry store, amenity area and toilets | Granted<br>Conditionally | 09/01/2013    |
| 11/12/01377/PRI | Full Planning Permission               | 41 Whinbush Avenue, Allenton, Derby, DE24 9DQ                           | Single storey rear extension to dwelling  | Granted<br>Conditionally | 31/01/2013    |

| Application No  | Application Type                       | Location  | Proposal   | Decision                 | Decision Date |
|-----------------|--|---|--|--------------------------|---------------|
| 11/12/01378/PRI | Variation/Waive of condition(s)        | Site of Fontenay, Old Hall Avenue, Littleover, Derby, DE23 6EN          | Variation of condition 2 of previously approved planning permission Code No. DER/05/12/00574 to amend house design of plot 2                   | Granted<br>Conditionally | 06/02/2013    |
| 11/12/01380/PRI | Full Planning Permission               | Land adjacent 12 Loudon Street, Derby, DE23 8ER                         | Erection of dwelling house   | Granted<br>Conditionally | 09/01/2013    |
| 11/12/01381/PRI | Advertisement consent                  | 534 Burton Road, Littleover, Derby, DE23 6FN (Half Moon Inn)            | Display of various signage   | Granted<br>Conditionally | 09/01/2013    |
| 11/12/01383/PRI | Works to Trees under TPO               | 16 Kilnsey Court, Littleover, Derby, DE23 7TQ                           | Reduction by one third and crown thinning by 20% of Ash tree protected by Tree Preservation Order No 516                                       | Granted<br>Conditionally | 13/02/2013    |
| 11/12/01384/PRI | Full Planning Permission               | 115 Alvaston Street, Alvaston, Derby, DE24 0PA                          | Single storey extension to dwelling house (porch)  | Granted<br>Conditionally | 06/02/2013    |
| 11/12/01385/PRI | Full Planning Permission               | 259 Normanton Road, Derby, DE23 6UT                                     | Change of Use from Financial and Professional Services (Use Class A2) to Hot Food Take Away (Use Class A5) and installation of extraction flue | Granted<br>Conditionally | 05/02/2013    |
| 11/12/01386/PRI | Full Planning Permission               | 35 Pulborough Gardens, Littleover, Derby, DE23 7UE                      | Single storey rear extension to dwelling house (dining room)   | Granted<br>Conditionally | 11/01/2013    |
| 11/12/01387/DCC | Local Council own development Reg 3    | Merrill House Care Home, Queensferry Gardens, Allenton, Derby, DE24 9JR | Installation of plant and erection of 1.8m high fence  | Granted<br>Conditionally | 21/01/2013    |
| 11/12/01390/DCC | Local Council own development Reg 3    | 55 Coronation Avenue, Alvaston, Derby, DE24 0LR                         | Installation of plant  | Granted<br>Conditionally | 18/01/2013    |
| 11/12/01393/PRI | Full Planning Permission               | 4 Bank View Road, Derby, DE22 1EJ                                       | Single storey front extension to dwelling house (enlargement of garage, hall and kitchen)  | Granted<br>Conditionally | 14/01/2013    |
| 11/12/01394/PRI | Full Planning Permission               | 115 Station Road, Mickleover, Derby, DE3 5FN                            | Two storey side extension to dwelling house (garage, dining room and two bedrooms)   | Granted<br>Conditionally | 14/01/2013    |
| 11/12/01396/PRI | Full Planning Permission               | 31 Humbleton Drive, Derby, DE22 4AU                                     | Single storey extension to doctors surgery (reception area, toilets for disabled people and consulting room)                                   | Granted<br>Conditionally | 15/01/2013    |
| 11/12/01397/PRI | Certificate of Lawfulness Existing Use | 5 Dovedale Avenue, Alvaston, Derby, DE24 0QB                            | Retention of garden room/store   | Granted                  | 23/01/2013    |

| Application No  | Application Type                      | Location   | Proposal   | Decision                         | Decision Date |
|-----------------|---------------------------------------|--|--|----------------------------------|---------------|
| 11/12/01398/PRI | Full Planning Permission              | 10 Lantern Grove, Mickleover, Derby  | Two storey extension to dwelling house (enlargement of kitchen, sitting room, bedroom and bathroom) and extension to detached garage   | Granted<br>Conditionally         | 14/01/2013    |
| 11/12/01401/PRI | Variation/Waive of condition(s)       | Site off Durley Close/Branksome Avenue/Elvaston Lane, Alvaston, Derby, DE24              | Erection of 32 dwelling houses and 6 flats<br>-Variation of condition 1 of planning permission Code No. DER/03/12/00255/PRI to re-position Plots 1-3   | Granted<br>Conditionally         | 22/01/2013    |
| 11/12/01403/PRI | Works to Trees in a Conservation Area | 65 Friar Gate, Derby, DE1 1DJ  | Cut back overhanging branches to 5m of 2 Beech trees and Hornbeam and felling of Ash Tree within Friar Gate Conservation Area  | Raise<br>Objections              | 18/01/2013    |
| 11/12/01406/PRI | Full Planning Permission              | 148-150 Pear Tree Road, Derby, DE23 6QD  | Change of use from community centre (Use Class D1) to dwelling house (Use Class C3) and installation of 4 dormer windows and new roof design - amendment to previously approved permission DER/06/11/00748 to install additional dormer window to the front (east) elevation | Granted<br>Conditionally         | 15/01/2013    |
| 11/12/01407/PRI | Full Planning Permission              | Site of University of Derby Mickleover Campus, off, Western Road, Mickleover, Derby, DE3 | Residential development (substitution of house types to plots 354/356-363/399a-399d) and erection of additional dwellings (plots 363a-363c/399e) -amendment to previously approved planning permission Code No. DER/12/07/02351/PRI  | Granted<br>Conditionally         | 28/02/2013    |
| 11/12/01408/PRI | Listed Building Consent -alterations  | Vernon Street Medical Centre, 13 Vernon Street, Derby, DE1 1FW                           | Formation of lift shaft  | Granted<br>Conditionally         | 08/01/2013    |
| 11/12/01412/PRI | Full Planning Permission              | 12 Hazel Drive, Spondon, Derby, DE21 7DS   | Single storey side extension to dwelling (bathroom and enlargement of lounge and kitchen)  | Refuse<br>Planning<br>Permission | 17/01/2013    |
| 11/12/01414/PRI | Full Planning Permission              | High Trees Health Care Centre, 2 Manor Road, Chellaston, Derby, DE73 1RB                 | Change of use from Health Centre (Use Class D1) to dwelling house (Use Class C3)   | Granted<br>Conditionally         | 05/02/2013    |
| 11/12/01415/DCC | Advertisement consent                 | Lighting Columns, Mansfield Road, Derby (between Carlier & Sons & Meteor Centre)         | Display of banners on 17 lighting columns  | Granted<br>Conditionally         | 14/02/2013    |

| Application No  | Application Type                   | Location   | Proposal   | Decision                 | Decision Date |
|-----------------|------------------------------------|--|--|--------------------------|---------------|
| 11/12/01416/DCC | Advertisement consent              | Lighting Columns between 208-280 Derby Road, Chaddesden, Derby                             | Display of banners on 12 lighting columns  | Granted                  | 14/02/2013    |
| 11/12/01417/DCC | Advertisement consent              | Lighting Columns on, Mansfield Road, Breadsall, Derby ( from Lime Avenue to Bishops Drive) | Display of banners on 17 lighting columns  | Granted<br>Conditionally | 14/02/2013    |
| 11/12/01418/DCC | Advertisement consent              | Lighting Columns between 405-649 Nottingham Road, Chaddesden, Derby                        | Display of banners on 50 lighting columns  | Granted<br>Conditionally | 14/02/2013    |
| 11/12/01419/DCC | Advertisement consent              | Lighting columns between Pentagon Trade Park and 399 Nottingham Road, Derby                | Display of banners on 22 lighting columns  | Granted<br>Conditionally | 14/02/2013    |
| 11/12/01420/DCC | Advertisement consent              | Lighting columns on Alfreton Road, Derby   | Display of banners on 23 lighting columns  | Granted<br>Conditionally | 14/02/2013    |
| 11/12/01421/DCC | Advertisement consent              | Lighting columns on Dairyhouse Road, Derby (between Peartree Road and Malcolm Street)      | Display of banners on 13 lighting columns  | Granted<br>Conditionally | 14/02/2013    |
| 11/12/01422/DCC | Advertisement consent              | Lighting columns on Hampshire Road, Derby (from Sir Frank Whittle Road to Hereford Road)   | Display of banners on 18 lighting columns  | Granted                  | 14/02/2013    |
| 11/12/01423/DCC | Advertisement consent              | Lighting columns between 141-229 Max Road, Chaddesden, Derby                               | Display of banners on 17 lighting columns  | Granted<br>Conditionally | 14/02/2013    |
| 11/12/01424/DCC | Advertisement consent              | Lighting columns between 1 and 40 Hereford Road, Chaddesden, Derby                         | Display of banners on 9 lighting columns   | Granted<br>Conditionally | 14/02/2013    |
| 11/12/01425/DCC | Full Application - disabled People | 62 Portland Street, Derby, DE23 8QB  | Single storey rear extension to dwelling house (shower room)   | Granted<br>Conditionally | 16/01/2013    |
| 11/12/01426/PRI | Full Planning Permission           | 224 Birchover Way, Allestree, Derby, DE22 2RT  | Extension to dwelling house (conservatory) and replacement of flat roof with pitched to rear extension | Granted<br>Conditionally | 22/01/2013    |



| Application No  | Application Type                   | Location  | Proposal   | Decision                   | Decision Date |
|-----------------|------------------------------------|---|--|----------------------------|---------------|
| 11/12/01429/PRI | Full Planning Permission           | 400 Burton Road, Derby, DE23 6AF                                | Single storey extension to dwelling house (conservatory)   | Granted Conditionally      | 17/01/2013    |
| 11/12/01430/PRI | Full Application - disabled People | 14 Haddon Drive, Mickleover, Derby, DE3 5HL                     | Single storey extension to dwelling (bedroom and shower room)  | Granted Conditionally      | 17/01/2013    |
| 11/12/01433/PRI | Full Planning Permission           | 44 Grange Road, Alvaston, Derby, DE24 0JX                       | Two storey side and rear extensions to dwelling house (sitting room/kitchen, garage, 2 bedrooms, en-suite and bathroom)  | Granted Conditionally      | 18/01/2013    |
| 11/12/01435/PRI | Full Planning Permission           | 33 West Avenue South, Chellaston, Derby, DE73 1SH               | Two storey side extension to dwelling house (kitchen, bedroom and en-suite)  | Granted Conditionally      | 13/02/2013    |
| 11/12/01436/PRI | Works to Trees under TPO           | 40 Ramblers Drive, Oakwood, Derby, DE21 2XN                     | Crown lifting, deadwooding and crown cleaning of Oak tree, removal of overhanging branch of second Oak tree, and felling of third Oak tree, protected by Tree Preservation Order No 31           | Granted Conditionally      | 01/02/2013    |
| 11/12/01437/PRI | Full Planning Permission           | 93 St. Andrews View, Derby, DE21 4ET                            | Two storey side extensions to dwelling house (lounge, utility room, bedroom and en-suite)  | Refuse Planning Permission | 17/01/2013    |
| 11/12/01438/PRI | Full Planning Permission           | Unit 2, Masons Place, Nottingham Road, Derby                    | Change of use from use Class B2 (General Industrial) to import and distribution of specialist car parts (Sui Generis Use) and enlargement of 2 doors, installation of security fencing and gates | Granted Conditionally      | 13/02/2013    |
| 11/12/01439/PRI | Full Planning Permission           | 470 Nottingham Road, Derby, DE21 6PE                            | Change of use from retail (use Class A1) to hot food takeaway (Use Class A5)   | Refuse Planning Permission | 17/01/2013    |
| 11/12/01440/PRI | Full Planning Permission           | 119 Oaklands Avenue, Littleover, Derby, DE23 7QL                | Retention of change of use from post office (Use Class A1) to beauty salon (Sui Generis use)   | Granted Conditionally      | 17/01/2013    |
| 11/12/01441/PRI | Works to Trees under TPO           | 4, Mickleover House, Orchard Street, Mickleover, Derby, DE3 0DF | Crown lift to 4m and cutting back of overhanging branches by 3m of Beech tree protected by Tree Preservation Order No 250  | Granted Conditionally      | 01/02/2013    |
| 11/12/01442/PRI | Full Planning Permission           | 23 Moor Drive, Alvaston, Derby, DE24 0DQ                        | Single storey rear extension to dwelling house (cloakroom)   | Granted Conditionally      | 18/01/2013    |



| Application No  | Application Type                | Location   | Proposal  | Decision                         | Decision Date |
|-----------------|---------------------------------|--|---|----------------------------------|---------------|
| 11/12/01443/PRI | Full Planning Permission        | South Field, 6 Friars Close, Darley Abbey, Derby, DE22 1FD               | Single and two storey side and rear extensions (dining room, study, utility room, bedroom, shower room and enlargement of bedroom) and erection of detached garage/store - amendment to previously approved permission DER/05/12/00570 to amend detached garage | Granted<br>Conditionally         | 16/01/2013    |
| 11/12/01445/PRI | Demolition-Prior Notification   | Former Nationwide Buidling, Traffic Street, Derby, DE1                   | Demolition of Nationwide building and carwash   | Raise No Objection               | 03/01/2013    |
| 11/12/01448/PRI | Full Planning Permission        | Ye Toll Pump Ceinog, 486 Kedleston Road, Derby, DE22 2NF                 | Two storey extension to dwelling house (bedroom, enlargement of dining room, kitchen and bathroom) and formation of room in roof space  | Refuse<br>Planning<br>Permission | 04/02/2013    |
| 11/12/01451/PRI | Advertisement consent           | 11 Exchange Street, Derby, DE1 (Co-op Travel)                            | Display of externally illuminated fascia sign and 2 internally illuminated projecting signs   | Granted<br>Conditionally         | 21/01/2013    |
| 12/12/01456/PRI | Full Planning Permission        | Former Derwent Lyton Co Ltd, Siddals Road, Derby, DE1 2QD                | Change of use from chocolate factory (Use Class B2) to arts centre (Use Class D1)   | Granted<br>Conditionally         | 13/02/2013    |
| 11/12/01457/PRI | Full Planning Permission        | 14 South Avenue, Littleover, Derby, DE23 6BA                             | Formation of rooms in roof space (two bedrooms, bathroom and dormers)   | Granted<br>Conditionally         | 22/01/2013    |
| 11/12/01458/PRI | Full Planning Permission        | 150 Havenbault Lane, Littleover, Derby, DE23 7AG                         | Single storey extension to dwelling house (enlargement of kitchen and dining room) and alterations to detached garage   | Granted<br>Conditionally         | 22/01/2013    |
| 11/12/01460/PRI | Full Planning Permission        | 282 Duffield Road, Derby, DE22 1EP                                       | Two storey and single storey extensions to dwelling house (living room, study, bedroom and enlargement of kitchen and bathroom)   | Granted<br>Conditionally         | 13/02/2013    |
| 11/12/01462/PRI | Full Planning Permission        | 23 Keats Avenue, Littleover, Derby, DE23 7EE                             | Two storey and single storey extensions to dwelling house (dining room, bedroom/study, 2 bedrooms, 2 en-suites, enlargement of hall and insertion of additional windows and juliet balcony)   | Granted<br>Conditionally         | 13/02/2013    |
| 11/12/01466/PRI | Full Planning Permission        | 17 Buxton Drive, Mickleover, Derby, DE3 5HR                              | Two storey and single storey extensions to dwelling house (study, porch, w.c., bedroom, en-suite and enlargement of kitchen and bedroom)  | Granted<br>Conditionally         | 13/02/2013    |
| 11/12/01468/PRI | Variation/Waive of condition(s) | Learning & Development Centre Rolls Royce Plc, Wilmore Road, Derby, DE24 | Variation of Condition No.1 of previously approved planning permission DER/07/11/00802 to amend the drainage scheme   | Granted<br>Conditionally         | 14/01/2013    |

| Application No  | Application Type                      | Location  | Proposal   | Decision              | Decision Date |
|-----------------|---------------------------------------|---|--|-----------------------|---------------|
| 11/12/01470/PRI | Full Planning Permission              | 2 Lea Close, Allestree, Derby, DE22 2PL                   | Extensions to dwelling house (utility room, shower room, garage, living room, bedroom and en-suite)                                | Granted Conditionally | 25/01/2013    |
| 11/12/01471/PRI | Full Planning Permission              | 6 Woodhurst Close, Derby, DE21 4SG                        | Two storey side extension (garage and two bedrooms)  | Granted Conditionally | 25/01/2013    |
| 11/12/01472/PRI | Full Planning Permission              | 3 Longthorpe Close, Littleover, Derby, DE23 7WE           | Two storey rear extension (enlargement of kitchen, lounge, bathroom and two bedrooms)  | Granted Conditionally | 05/02/2013    |
| 11/12/01474/PRI | Works to Trees under TPO              | 18 Gilderdale Way, Oakwood, Derby, DE21 2SY               | Branch reduction to give 3 metre clearance of dwelling at 18 Gilderdale Way of Oak tree protected by Tree Preservation Order No 31 | Granted Conditionally | 01/02/2013    |
| 11/12/01475/PRI | Works to Trees in a Conservation Area | 20 Kings Croft, Allestree, Derby, DE22 2FN                | Felling of 5 apple trees, removal of Holly and pruning of Holly hedge within Allestree Conservation Area                           | Raise No Objection    | 01/02/2013    |
| 12/12/01479/PRI | Full Planning Permission              | 52 Dairyhouse Road, Derby, DE23 8HL                       | Change of use from dwelling house (Use Class C3) to Place of Worship and Religious Instruction (Use Class D1)                      | Granted Conditionally | 13/02/2013    |
| 12/12/01480/PRI | Full Planning Permission              | 24 Poyser Avenue, Chaddesden, Derby, DE21 4NA             | Single storey rear extension to dwelling house (family room)   | Granted Conditionally | 29/01/2013    |
| 12/12/01482/PRI | Reserved Matters                      | Land at side of 100 Finchley Avenue, Derby, DE22 4EU      | Erection of 2 dwelling houses (approval of all reserved matters under Outline permission Code No. DER/10/11/01285/PRI)             | Granted Conditionally | 05/02/2013    |
| 12/12/01484/PRI | Works to Trees under TPO              | Red Cottage, 31 Keats Avenue, Littleover, Derby, DE23 7EE | Crown lift and reduction of branches of Beech tree protected by Tree Preservation Order No 357                                     | Granted Conditionally | 01/02/2013    |
| 12/12/01485/PRI | Full Application - Article 4          | 29 Arthur Street, Derby, DE1 3EF                          | Installation of replacement windows to front elevation   | Granted Conditionally | 14/02/2013    |
| 12/12/01486/PRI | Full Planning Permission              | 22 Poyser Avenue, Chaddesden, Derby, DE21 4NA             | Single storey rear extension to dwelling house (family room)   | Granted Conditionally | 30/01/2013    |
| 12/12/01487/PRI | Full Planning Permission              | 11 Liskeard Drive, Allestree, Derby, DE22 2GW             | Single storey extensions to dwelling house (enlargement of study/guest room and kitchen)   | Granted Conditionally | 05/02/2013    |

| Application No  | Application Type                       | Location   | Proposal   | Decision                   | Decision Date |
|-----------------|--|--|--|----------------------------|---------------|
| 12/12/01490/PRI | Listed Building Consent -alterations   | 15 Vernon Street, Derby, DE1 1FT                                   | Change of use from offices (Use Class B1) to pharmacy (Use Class A1), internal alterations on the ground floor and formation of access ramp  | Refuse Planning Permission | 01/02/2013    |
| 12/12/01491/PRI | Full Planning Permission               | 15 Vernon Street, Derby, DE1 1FT                                   | Change of use from offices (Use Class B1) to pharmacy (Use Class A1) and formation of access ramp  | Refuse Planning Permission | 01/02/2013    |
| 12/12/01493/PRI | Certificate of Lawfulness Proposed Use | 4 Crich Circle, Littleover, Derby, DE23 6DS                        | Single storey rear extension to dwelling house (garden room)   | Granted                    | 24/01/2013    |
| 12/12/01497/PRI | Full Planning Permission               | 142 Field Lane, Alvaston, Derby, DE24 0GT                          | Single storey extension to dwelling house (enlargement of garage) and erection of 1.8m high fence  | Granted Conditionally      | 04/02/2013    |
| 12/12/01498/PRI | Full Planning Permission               | 5 Wilmot Avenue, Chaddesden, Derby, DE21 6PL                       | Single storey rear extension to dwelling house (playroom)  | Granted Conditionally      | 15/02/2013    |
| 12/12/01500/PRI | Full Planning Permission               | 5 Corden Avenue, Mickleover, Derby, DE3 5AQ                        | Two storey and single storey extensions to dwelling house (utility room, w.c, study, porch, en-suite and enlargement of kitchen and bedroom) and erection of pitched roof to existing ground floor extension | Granted Conditionally      | 06/02/2013    |
| 12/12/01502/PRI | Full Planning Permission               | 9 Ingleby Avenue, Derby, DE23 8DL                                  | Two storey side and single storey rear extensions to dwelling house (garage, bedroom, en-suite and kitchen)  | Refuse Planning Permission | 05/02/2013    |
| 12/12/01503/PRI | Full Planning Permission               | 7 Cricklewood Road, Derby, DE22 4DP                                | First floor side extension to dwelling house (two bedrooms)  | Refuse Planning Permission | 13/02/2013    |
| 12/12/01504/PRI | Full Planning Permission               | 371 Uttoxeter Road, Mickleover, Derby, DE3 5AH                     | Two storey and single storey extensions to dwelling house (covered way, en-suite and enlargement of lounge, kitchen and bedroom)   | Granted Conditionally      | 27/02/2013    |
| 12/12/01505/PRI | Full Planning Permission               | 17 Simcoe Leys, Chellaston, Derby, DE73 1XL                        | Two storey extension to dwelling house (family room, kitchen, bedroom, en-suite and walk in wardrobe) and formation of additional hardstanding   | Refuse Planning Permission | 12/02/2013    |
| 12/12/01506/PRI | Works to Trees under TPO               | St. Philomenas Convent, 312 Highfields Park Drive, Derby, DE22 1JX | Various works to trees protected by Tree Preservation Order No 308   | Granted Conditionally      | 13/02/2013    |

| Application No  | Application Type                       | Location  | Proposal   | Decision                   | Decision Date |
|-----------------|--|---|--|----------------------------|---------------|
| 12/12/01507/PRI | Full Planning Permission               | 28 Menin Road, Allestree, Derby, DE22 2NL                             | Extensions to bungalow (sun lounge and garage)   | Granted Conditionally      | 06/02/2013    |
| 12/12/01512/PRI | Certificate of Lawfulness Proposed Use | 16 Cairns Close, Mickleover, Derby, DE3 5LW                           | Single storey side extension to dwelling house (dining room)   | Granted                    | 24/01/2013    |
| 12/12/01513/PRI | Full Planning Permission               | 36 Breedon Hill Road, Derby, DE23 6TG                                 | Two storey and single storey extensions to dwelling house (covered way, bedroom, 2 en-suites, porch and enlargement of lounge and kitchen) | Granted Conditionally      | 15/02/2013    |
| 12/12/01514/PRI | Local Council own development Reg 3    | Friar Gate Studios, Ford Street, Derby, DE1 1EE                       | Installation of door to south elevation.   | Granted Conditionally      | 15/02/2013    |
| 12/12/01515/PRI | Advertisement consent                  | Friar Gate Studios, Ford Street, Derby, DE1 1EE                       | Display of two non-illuminated fascia signs  | Granted Conditionally      | 15/02/2013    |
| 12/12/01516/PRI | Full Planning Permission               | 10 Latrigg Close, Mickleover, Derby, DE3 5NR                          | Single storey and first floor extensions to dwelling house (utility room, w.c. and enlargement of bedroom)                                 | Refuse Planning Permission | 14/02/2013    |
| 12/12/01518/DCC | Local Council own development Reg 3    | Silverhill Primary School, Draycott Drive, Mickleover, Derby, DE3 0QE | Extensions to school (reception area, offices, two classrooms, storage and canopy)   | Granted Conditionally      | 14/02/2013    |
| 12/12/01521/PRI | Full Planning Permission               | 19 Horwood Avenue, Derby, DE23 6NX                                    | Single storey rear extension to dwelling house (enlargement of kitchen)  | Granted Conditionally      | 28/02/2013    |
| 12/12/01529/PRI | Certificate of Lawfulness Proposed Use | 318 Duffield Road, Derby, DE22 1EQ                                    | Formation of room in roof space with rear dormer   | Granted                    | 14/02/2013    |
| 12/12/01530/PRI | Full Planning Permission               | 318 Duffield Road, Derby, DE22 1EQ                                    | Single storey side and rear extension to dwelling house (enlargement of kitchen)   | Granted Conditionally      | 06/02/2013    |
| 12/12/01531/PRI | Works to Trees under TPO               | Brookside, Kedleston Street, Derby, DE1                               | Pollarding of Willow tree protected by Tree Preservation Order No 209  | Refuse Planning Permission | 13/02/2013    |
| 12/12/01533/PRI | Works to Trees in a Conservation Area  | 31 Gascoigne Drive, Spondon, Derby, DE21 7GL                          | Felling of Sycamore tree and reduction of 2 branches by 2m of Oak tree within Spondon Conservation Area                                    | Raise No Objection         | 01/02/2013    |
| 12/12/01534/PRI | Full Planning Permission               | 63 High Street, Chellaston, Derby, DE73 1TB                           | Change of use from cafe (Use Class A3) to hot food takeaway (Use Class A5)   | Refuse Planning Permission | 14/02/2013    |

| Application No  | Application Type                     | Location  | Proposal   | Decision              | Decision Date |
|-----------------|--------------------------------------|---|--|-----------------------|---------------|
| 12/12/01536/PRI | Full Planning Permission             | Murray Park Community School, Murray Road, Mickleover, Derby, DE3 5LD           | Extension to school (3 classrooms and canopy)  | Withdrawn Application | 07/02/2013    |
| 12/12/01542/PRI | Full Planning Permission             | 109 Arthur Street, Derby, DE1 3EJ   | Installation of replacement windows and door to front elevation and window to side elevation   | Granted Conditionally | 15/02/2013    |
| 12/12/01543/PRI | Full Planning Permission             | 393 Uttoxeter New Road, Derby, DE22 3HY   | Two storey and single storey rear extensions to dwelling house (conservatory, utility room, bathroom and enlargement of kitchen and bedroom)   | Granted Conditionally | 20/02/2013    |
| 12/12/01544/PRI | Full Planning Permission             | 18 Farnway, Darley Abbey, Derby, DE22 2BN                                       | Extension to dwelling (study) and formation of room in roof space (2 bedrooms, shower room and dormer)   | Granted Conditionally | 20/02/2013    |
| 12/12/01545/PRI | Full Planning Permission             | Walter Evans C Of E School, Darley Abbey Drive, Darley Abbey, Derby, DE22 1EF   | Extension to school (canopy)   | Granted Conditionally | 28/02/2013    |
| 12/12/01548/PRI | Listed Building Consent -alterations | Brookbridge Court, Brook Street, Derby, DE1 3LG                                 | Installation of gas ventilation grilles  | Granted Conditionally | 28/02/2013    |
| 01/13/00002/PRI | Full Planning Permission             | 114 Village Street, Derby, DE23 8DF   | Extension to dwelling house (lounge, dining/kitchenette, two bedrooms and shower room)- extension of time limit of previously approved planning permission Code No. DER/11/09/01346 by a further three years | Granted Conditionally | 27/02/2013    |
| 01/13/00004/PRI | Full Planning Permission             | 16 Dresden Close, Mickleover, Derby, DE3 5RD                                    | First floor extension to dwelling house (enlargement of bathroom)  | Granted Conditionally | 28/02/2013    |
| 01/13/00005/PRI | Advertisement consent                | The Hudson Building, Derby College, Locomotive Way, Pride Park, Derby, DE24 8JE | Retention of display of internally illuminated fascia sign   | Granted Conditionally | 28/02/2013    |
| 01/13/00016/PRI | Full Application - disabled People   | 58 Merchant Street, Derby, DE22 3AQ   | Single storey rear extension to dwelling house (shower room)   | Granted Conditionally | 13/02/2013    |
| 01/13/00036/PRI | Non-material amendment               | Site of 29 Keats Avenue, Littleover, Derby, DE23 7EE                            | Erection of detached dwelling house - Non-material amendment to previously approved planning application Code No. DER/03/12/00279/PRI to amend design and height of front boundary wall                      | Granted               | 22/02/2013    |

| Application No  | Application Type                       | Location                                      | Proposal  | Decision | Decision Date |
|-----------------|--|---|---|----------|---------------|
| 01/13/00066/PRI | Non-material amendment                 | 214 Warwick Avenue, Derby, DE23 6HP           | Single storey extension to dwelling house (dining room, play area, hall, shower room, store, garage and enlargement of living room), alterations to access, erection of boundary wall and gates and alterations to land levels - Non-material amendment to previously approved planning application Code No. DER/09/12/01098/PRI to enlarge depth of single storey side extension by 0.5m | Granted  | 25/02/2013    |
| 01/13/00078/PRI | Certificate of Lawfulness Proposed Use | 76 West Bank Road, Allestree, Derby, DE22 2FZ | Single storey side extension to dwelling house  | Granted  | 21/02/2013    |

**Total Number of Delegated Decisions made during this period: 194**