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Planning Control Committee 3 April 2008

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DER/01/08/00036	Site of 346 Uttoxeter New Road (Royal Nursing Home)	B1 5	20-30	Demolition of The Royal Nursing Home and erection of residential care home	A. To authorise the Assistant Director – Regeneration to negotiate the terms of a Section 106 Agreement to achieve the objectives set out in 11.5 and to authorise the Director of Corporate and Adult Services to enter into such an agreement. B. On successful completion of the Section 106 Agreement, to grant planning permission subject to conditions.

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Code No	Location	Item No	Page No	Proposal	Recommendation
DER/10/07/02006	Land at the side of 75 Sutton Avenue, Chellaston	B1 6	31-33	Erection of equipment kiosk	<p>C. If the applicant fails to sign the S106 agreement by the end of the 13 week target (9 April 2008) consideration be given in consultation with the Chair, to refuse planning permission.</p> <p>To grant permission with a condition.</p>
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B1 APPLICATIONS

1 Code No: DER/12/07/02338

Type: Full

1. **Address:** Site of 59 Hall Street, Alvaston
2. **Proposal:** Erection of five apartments (amended scheme)
3. **Description:** This is a revised scheme for an approved residential development on the site of a former end terraced property on the east side of Hall Street, Alvaston. The site has a long and narrow curtilage and is within a densely built up residential street, comprising traditional two storey Victorian terraced dwellings and semi-detached dwellings. It is on the end of a continuous row of terraced houses of varying design and abuts the rear gardens of residential properties on Baker Street, with relatively short rear gardens.

Permission was granted in April 2007 for re-development of the site and erection of five one and two bed apartments. The approved development is a two storey building, with an apartment in the roof space, including two dormer openings in the front elevation. It adjoins the neighbouring terraced dwelling at 57 Hall Street and forms a new built frontage on the end of the row. Construction of the building is already underway on the site and this application seeks approval for limited amendments to the design and layout of the building. The proposed alterations to the scheme for which permission is required are as follows:

- Repositioning of the two dormer windows on the front elevation to be about 600mm lower on the roof than approved
- Increasing the floor area of the ground floor apartment 2, by extending into the approved bin and cycle store on the south side elevation of the building. The elevational treatment of this lean-to structure would be altered to incorporate window openings.
- The bin store, comprising, 1.8 metre high screen wall would be relocated to the rear of the building, sited adjacent to the southern boundary of the site.

Councillor Bayliss has requested that this application is considered by the Committee.

4. **Relevant Planning History:**

DER/01/07/00195 – Demolition of dwelling and erection of five apartments, granted April 2007.

DER/07/06/01236 – Demolition of dwelling and erection of five apartments, refused September 2006.

B1 APPLICATIONS (cont'd)

1 Code No: DER/12/07/02338

DER/11/92/01237 – Conversion of dwelling to three flats, granted March 1993.

5. Implications of Proposal:

5.1 Economic: None.

5.2 Design and Community Safety: The proposed alterations to the approved development would have a limited effect on the general design, form and appearance of the building. They would be in keeping with the character and appearance of the surrounding area.

5.3 Highways: Very similar to previous application, which has approval, therefore, previous comments are still valid. No parking provision would be allocated on the site and would be accommodated on the highway. The potential vehicle parking would not have significant impact on the street parking demand.

5.4 Disabled People's Access: The dwellings would have degree of accessibility through Building Regulations.

5.5 Other Environmental: None.

6. Publicity:

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

7. Representations: Two letters of objection have been received and ... copies are reproduced. The main issues raised are as follows:

- The proposed location of the bin store would result in nuisance and disturbance for local residents.
- The lack of on-site parking provision would cause congestion problems on the highway.
- The overall development would have an overbearing and oppressive impact on the adjacent dwellings on Baker Street. (This issue relates to the scale and massing of the building, which is the same as approved).

8. Consultations: None.

B1 APPLICATIONS (cont'd)

1 Code No: DER/12/07/02338

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

- GD4 - Design and urban environment
- GD5 - Amenity
- H13 - Residential development – general criteria
- E10 - Renewable energy
- E23 - Design
- T4 - Access and parking

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

10. Officer Opinion: The proposed erection of five apartments is an approved development scheme, which is currently under construction. It relates to a modest infill site in an area of relatively high density traditional two storey housing and the principle of residential development of this scale and form has already been established.

This application is for minor amendments to the approved design and layout of the building, which would involve changes to the ground floor apartment, bin and cycle storage and revisions to the design of the dormers. The proposals would not alter the overall scale, height or massing of the building and the general design and form would also be unchanged. The alterations sought under this application to the dormers and to Flat 2 on the ground floor would be relatively minor in nature and would not have a greater oppressive impact on neighbouring dwellings. The scale, massing and form of development was considered to be satisfactory in this location, under the previous approval.

The increase in floor area of Flat 2 would result in the introduction of new window openings into the lean-to extension to provide outlook and light. The proposed kitchen/dining window opening to the south elevation is considered undesirable, due to its proximity to the rear of 180 Baker Street, which has a shallow rear garden. There would be potential for loss of privacy to the adjacent dwelling from a habitable room window in this position. The applicants have agreed in principle to relocate the main window openings to an alternative location on the building to minimise overlooking for nearby residents. Amended plans to indicate revised window positions are awaited and will be reported to the meeting.

The revisions to the design of the dormers would be solely design changes, which would tie in satisfactorily with the appearance and form of the development and fit in with the surrounding street context.

The absence of on-site residents parking was also agreed under the previous application since no objections were raised by the Council's

B1 APPLICATIONS (cont'd)

1 Code No: DER/12/07/02338

Highways Officer to this arrangement. It was considered that the road could accommodate the additional on-street parking generated by the development. Suitable provision for secure cycle parking would be required within the site and was to be provided on the south elevation, under the previous scheme. A revised location would need to be sought, although this could be achieved either within the stairwell of the building or by a secure cycle store towards the rear of the development. This would be secured by an appropriate condition.

The proposed location of the bin store would be to the rear of the building, which would be accessible to the proposed apartments and to the Hall Street frontage. The store would be screened from neighbouring properties by a 1.8 metre high wall and would not have an unreasonably intrusive effect on the amenities of nearby dwellings. There would not be significant potential for nuisance to local residents from the location of the waste bins.

The proposed alterations to the apartment scheme would be confined to minor changes to the design and layout, which are considered to be acceptable, since they would be in keeping with the character and urban context of the local streetscene. The amenities of nearby dwellings on Baker Street would not be unreasonably affected by the altered proposals, since the over all form and appearance of the building would be similar to the approved scheme.

Accordingly, I am recommending approval subject to the receipt of revised plans altering the window location kitchen/dining area of the ground floor flat.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission with conditions.

11.2 Summary of reasons: The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in 9 above. The proposal would be an appropriate form of residential development, which would be in keeping with the appearance and character of the local streetscene.

11.3 Conditions

1. Standard condition 83 (amended drawing nos.)
2. Standard condition 27 (external materials)
3. Standard condition 19 (means of enclosure)
4. Standard condition 95 (cycle parking provision)

B1 APPLICATIONS (cont'd)

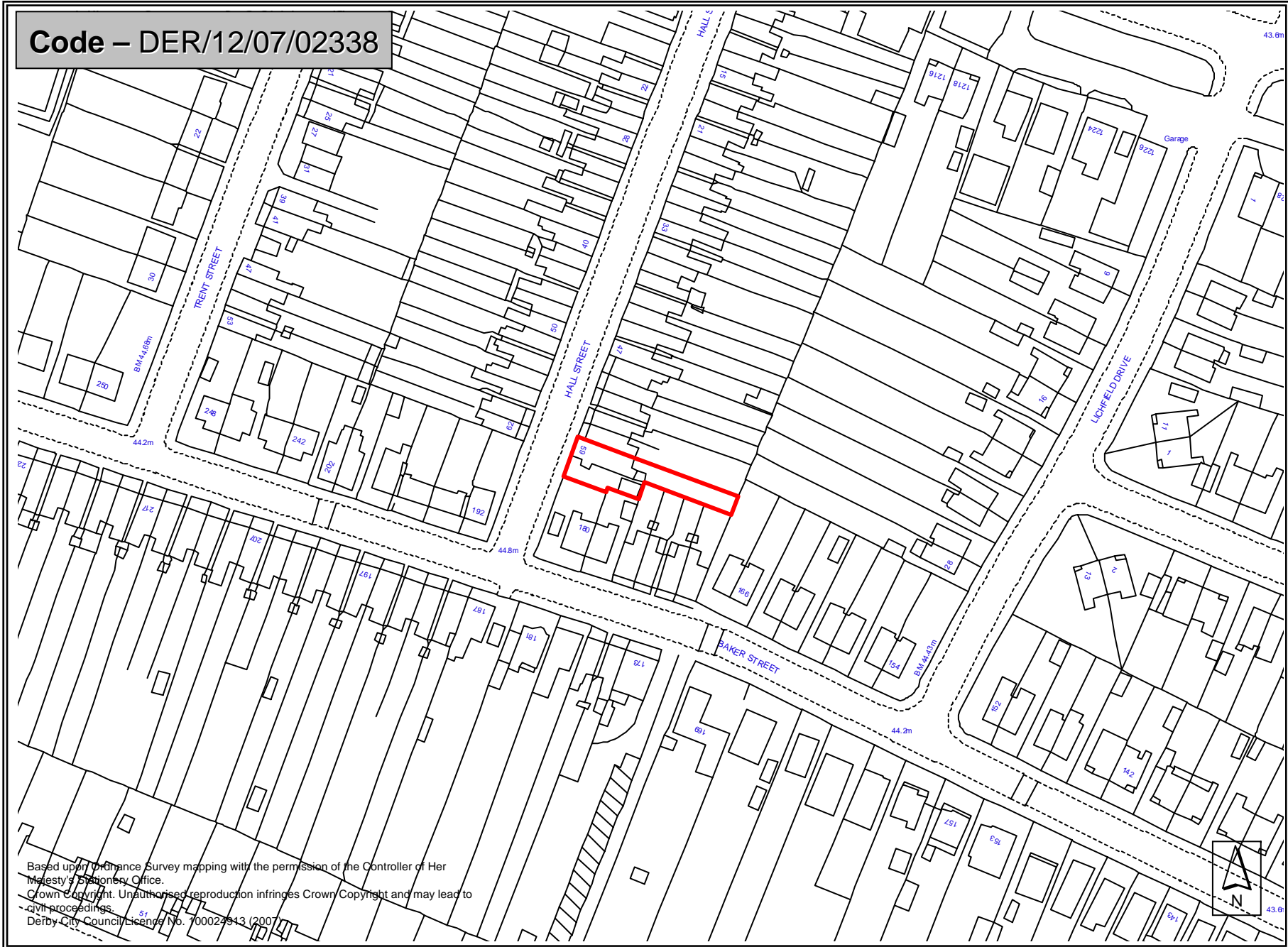
1 Code No: DER/12/07/02338

11.4 Reasons

1. Standard reason E04
2. Standard reason E14...policies H13 and E23
3. Standard reason E14...policies H13 and E23
4. Standard reason E35...policies H13 and T4

11.5 S106 requirements where appropriate: None.

Code – DER/12/07/02338



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B1 APPLICATIONS (cont'd)

2 Code No: DER/01/08/00048

Type: Res Matters

1. **Address:** Land at rear of 83 Palmerston Street
2. **Proposal:** Residential Development (erection of two storey dwelling house and detached garage)
3. **Description:** This Reserved Matters proposal is for the erection of a single two storey detached dwelling house on land to the rear of 83 Palmerston Street. This follows on from the granting of outline permission (Ref. DER/08/07/01658) last year.

The submitted details propose a single two storey detached dwelling house with four bedrooms and a detached double garage. The building is of a fairly traditional hipped roof design, with the main fenestration on the front and rear elevations.

Part of the existing cartilage is to be given over to the existing private drive, and this will improve visibility for vehicles and pedestrians on the western corner of the site. The proposed garage would be in front of the proposed house, with access into the site from the south.

The site is surrounded by a number of residential curtilages, with dwelling houses immediately to the west and south. Access from Fairfield Road along the existing private drive was agreed as part of the previous outline permission, on the basis that one further dwelling only, was acceptable.

4. **Relevant Planning History:**

DER/08/07/01658 – Residential Development (one dwelling house) outline permission granted December 2007.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** This proposal follows on from a previous granting of outline permission. I have no objections to raise to the design of the house type or of the development in general.

5.3 **Highways:** No highways objection, subject to the requirements of the outline permission.

5.4 **Disabled People's Access:** Would be secured through compliance with the building regulations.

B1 APPLICATIONS (cont'd)

2 Code No: DER/01/08/00048

5.5 Other Environmental: None.

6. Publicity:

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

7. Representations: I have received four letter of objection and these are reproduced. The main points raised by objectors are:

- Opposition to any form of development on this land
- Proposed house is too large
- Loss of existing out look and overall amenity
- Traffic and parking issues
- No adherence to existing building lines
- Problems with utility supplies
- Loss of sunlight to third parties
- Devaluation of property prices
- Loss of trees and shrubs

8. Consultations: None.

9. Summary of policies most relevant: CDLP Review:

- H13 - Residential Development General Criteria
- E23 - Design
- T4 - Access, car parking and servicing
- GD5 - Amenity
- GD4 - Design and the Urban Environment

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

10. Officer Opinion: Following the granting of outline permission last year, discussions took place with the applicant regarding an appropriate form of development on this site. I have no objections to raise to a single dwelling house of this type. The site is of a size that can comfortably accommodate a two storey house type of this size, and I have no design objections to raise subject to the conditions suggested. The incorporation of a small part of the curtilage into the private drive is to

B1 APPLICATIONS (cont'd)

2 Code No: DER/01/08/00048

be welcomed, and there is adequate space within the site for car standing and for turning vehicles around.

I would remind Members that the principle of a dwelling house on this site with access from Fairfield Road is already covered by the previous outline permission (DER/08/07/01658). The conditions on that permission included the submission of a habitat survey, and the hardsurfacing of the private drive 5.0m back from the highway boundary. I now have no objections to raise to these submitted details. Normal space requirements are achieved, and there would be no unreasonable loss of amenity to third parties.

11. Recommended decision and summary of reasons:

11.1 A. To approve the submitted details with conditions.

B. Remind the applicant of the outstanding provisions of the original outline approval.

11.2 Summary of reasons: The proposed details have been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated at 9 above, and are an acceptable form of residential infill development in highways and residential amenity terms.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order no further windows or doors shall be added to the side elevations of the proposed dwelling house, without the prior permission in writing of the Local Planning Authority.
3. Standard condition (13 (domestic use of garage)
4. All windows in the two side elevations of the dwelling house shall be obscure glazed at all times unless otherwise agreed in writing by the Local Planning Authority.

11.4 Reasons

1. Standard reason E14...policies H13 and E23
2. To preserve the amenities of nearby residents...policy GD5

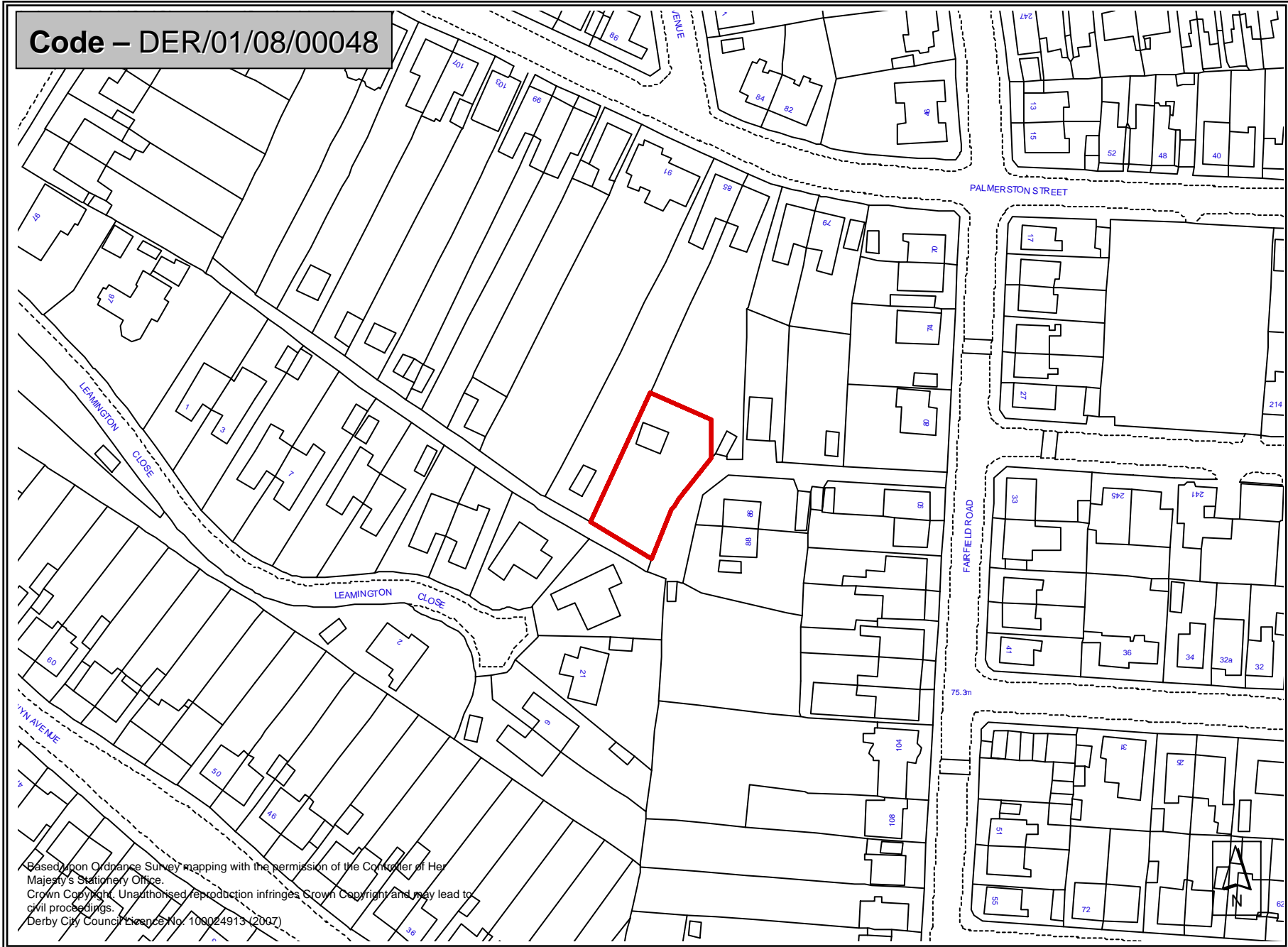
B1 APPLICATIONS (cont'd)

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3. To preserve the amenities of nearby residents...policy GD5
4. To preserve the amenities of nearby residents...policyGD5

11.5 S106 requirements where appropriate: None.

Code – DER/01/08/00048



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B1 APPLICATIONS (cont'd)

3 Code No: DER/01/08/00072

Type: Outline (means of access applied for)

1. **Address:** 488-496 Duffield Road, Allestree
2. **Proposal:** Residential Development
3. **Description:** This site has frontage of some 33m to Duffield Road and a depth of around 145m. It comprises a frontage area in commercial use connected with the motor vehicle trade and, at the rear a dwelling house in a large garden accessed through the commercial area because all has been in the same ownership. Also, in this ownership, but not part of the application is No. 488 Duffield Road. Originally one of a pair of dwelling houses, it became used as offices for the motor trade business and suffered a loss of part of the side access path.

The motor trade business has been restructured, now concentrating on vehicle testing and servicing rather than car sales, and the application indicates how its future extent will be limited by the development.

The origin of the house at the extreme rear of the site is somewhat obscure. It is understood to date from 1937, a little after the majority of the frontage houses, as an unusual insertion, some 105m from the highway and therefore well behind the pattern of frontage development that was then being built. The residential part of the application site has substantial tree cover and a Tree Preservation Order is in place.

The application seeks outline planning permission for up to five dwellings, together with the construction of an access road, effectively in the same position as the existing, which would serve the new houses and the retained, downsized, motor trade use. All details are to be reserved for later approval apart from the access.

However, a notional layout plan has been submitted for illustrative purposes. This indicates a road comprising a 5.5m carriageway with one footway on the northern side with a turning head which would be the limit of use by commercial vehicles. Beyond this a more informal private drive leads through a group of trees to the five plots, terminating in a 10m square turning area. Density is hard to quote accurately because of the large area of the site shared with the motor trade use. The residential-only part of the site would be around 22/ha if five houses were built.

The application is accompanied by a Design and Access Statement and a Tree Survey, the recommendations of which are carried forward into to the draft layout.

B1 APPLICATIONS (cont'd)

3 Code No: DER/01/08/00072

4. **Relevant Planning History:** DER/03/06/00541 – change of use of the former showroom to a vehicle testing centre described above as granted under planning permission on July 2006. This related only to the building; the external areas continued as before.

Prior to that there was series of applications from the late 1960s onwards seeking expansion of the car sales, repair and servicing business. There were some refusals, including one dismissed appeal, but ultimately permissions were granted which resulted in the premises taking their present form. I have not listed these as they are not relevant to this residential application.

5. **Implications of Proposal:**

- 5.1 **Economic:** It is likely that there would be very small loss of local employment from the downsizing of the motor trade uses. However, this has effectively being done in respect of commercial trading decisions.

- 5.2 **Design and Community Safety:** The new built form will not be seen from the street and there are no design implications. I deal with impact on nearby dwellings in “Officer Opinion”.

- 5.3 **Highways:** Overall traffic flows will be reduced when the additional four (as a maximum) houses are set against the downsizing of the motor trade operations. Therefore there is no objection. Approval under Highways Act powers will be required for the new access and this can be used to secure the detail favoured by this Authority, dropped and tapered kerbs to emphasise pedestrian priority.

- 5.4 **Disabled People's Access:** This will be available up to all the houses and within them will be controlled under the Building Regulations.

- 5.5 **Other Environmental:** There is the possibility of some ground contamination in the commercially-used parts of the site and this will need to be dealt within a redevelopment.

6. **Publicity:**

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

B1 APPLICATIONS (cont'd)

3 Code No: DER/01/08/00072

7. **Representations:** Fourteen representations have been received from 13 people. All are on the application website and will be placed in the Members' rooms.

Reasons given are:

- The development is out of keeping with the surrounding area, of a higher density, does not integrate in terms of scale.
- Access is at a dangerous location, the development would worsen it and there is the possibility of extension to serve more plots in the future. Parking is inadequate.
- Drainage is overstretched.
- Local medical services are overstretched.
- Four of the proposed houses are adjacent to boundaries, adversely affecting privacy/security. Two-storey houses would lead to loss of privacy/light.
- Development could threaten the future of the trees on the site.
- Inappropriate to retain part-commercial use of the site whilst residential development is carried out on another part.
- Devaluation of nearby houses.

8. **Consultations:**

DEnvS (Arboricultural Officer) – to be reported.

DEnvS (Environmental Health) – advises of the possibility of contamination and recommends investigation and the following-through of any resulting recommendations.

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

- GD3 - Flood protection.
- GD4 - Design and the urban environment.
- GD5 - Amenity.
- GD6 - Safeguarding Development Potential.
- GD7 - Comprehensive Development.
- H13 - Residential Development, General Criteria.
- E9 - Trees.
- E10 - Renewable Energy.
- E12 - Pollution
- E23 - Design
- T4 - Access, Parking and Servicing.

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

B1 APPLICATIONS (cont'd)

3 Code No: DER/01/08/00072

10. **Officer Opinion:** It is important to remember that all details except access are to be reserved for later approval. Therefore the Authority only has to be satisfied that the site can safely and appropriately accommodate the number of dwellings for outline permission to be given. This is in contrast to some recent schemes, most obviously Kings Croft (DER/01/08/00001) where permission was sought at outline stage for the layout and therefore a higher standard of satisfaction had to be achieved in relation to the outline decision.

The wish to retain the motor trade use in a smaller form is, I feel unfortunate in that its elimination and total redevelopment for residential purposes would have permitted greater scope for a radical improvement of the street scene. However, I recognise that the retention of this commercial element is to meet the owner's current business preferences and, because of the natural split of the site between the front and rear portions would mean that the front part could be developed residentially at some time in the future. In that sense I consider that policy GD6 is not infringed. Similarly, in relation to policy GD7, I do not believe that this is a case where permission should only be granted as part of a larger scheme.

Overall traffic movements would be likely to be less from the development than from a continuation of the business on the scale that current permissions would allow.

I feel that many of the objections stem from an assumption that permission is being sought for the layout illustrated in the application. This is not so although I would make the point that those locations meet all space standards between buildings and respect the retained trees. Neither should the orientation indicated give rise to overlooking. Inevitably, some people would have their views of dense garden planting changed and would see the walls of new houses. This is inevitable in any residential area.

Whilst no infringement of building spacing is involved I do not think that the arrangements indicated for plots 4 and 5 are acceptable. Rear garden depths of only 4m to 5m would lead to overlooking of the end of the rear garden of No. 484. One solution would be for a developer to acquire the overlooked land but in the context of the current application I have come to the conclusion that more than one dwelling here would be unacceptable. As permission is sought for up to five dwellings a reduction here can validly be made as a condition of the permission.

I do not see the private road turning head as creating any security risk. It is at the very end of a long cul-de-sac and would be overseen by the houses it serves. Any unusual visitor will be easily seen.

B1 APPLICATIONS (cont'd)

3 Code No: DER/01/08/00072

Overall I regard this as an acceptable form of infill, despite the retention of the motor trade use in a more limited form. The impact on local services is negligible and traffic generation will be reduced. The proposals make reasonable use of the available land. The failure to achieve CDLPR policy H13 density targets is acceptable because of the awkward shape of the site and the need to retain trees. I conclude that outline permission should be granted subject to the conditions set out below.

11. Recommended decision and summary of reasons:

11.1 To grant permission subject to the conditions set out in 11.3.

11.2 Summary of reasons: The proposal has been considered against the Adopted City of Derby Local Plan policies set out in (9) above and all other material considerations. It is generally in conformity with those policies. The failure to achieve CDLPR policy H13 density targets is acceptable because of the awkward shape of the site and the need to retain trees.

11.3 Conditions

1. Details of the following matters (hereafter referred to as the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:
 - (a) The layout, scale and appearance of the buildings and site layout.
 - (b) Details of access arrangements beyond those approved at this stage, that is in respect of the engineering details of kerbing and paving.
 - (c) The landscaping of the site.
2. Standard condition 02 (period for the submission of reserved matters).
3. This permission shall extend only to the erection of one dwelling in that part of the site shown as plots 4 and 5.
4. The landscaping scheme submitted pursuant to Condition 1(c) above shall be carried out within 12 months of the completion of the development or the first planting season whichever is the sooner. No vehicles shall be driven or parked on landscaping areas except for those vehicles necessary for the maintenance of those areas unless otherwise agreed in writing by the Local Planning Authority.

B1 APPLICATIONS (cont'd)

3 Code No: DER/01/08/00072

5. Standard condition 24A (vegetation – protection incl. overhanging)
6. Standard condition 51 (service runs)
7. Standard condition 30 (surfaces to be drained, surface etc)

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

9. Before commencing the development, a preliminary site investigation report shall be submitted to and approved by the Local Planning Authority. This report will need to include a desktop study and where the desktop study identifies potential contamination, an intrusive site investigation and risk assessment should be carried out to determine levels of contaminants and potential risk to end users and other receptors. Consideration should also be given to the possible effects of any contaminants on groundwater. A detailed investigation report shall be submitted summarising the findings of the above. In those cases where the detailed investigation report confirms that contamination exists, a remediation report and validation statement shall be submitted. Prior to development commencing and the development shall proceed in accordance with the version of the remediation report as is approved in writing by the Local Planning Authority.

10. Precise details of the access arrangements required in connection with condition 1b shall include dropped and tapered kerbs and not kerb radii as indicated on the submitted drawing.

11.4 Reasons

1. The application was submitted in outline only but with certain details incorporated.
2. Standard reason E02
3. Standard Reason For the avoidance of doubt and to clarify the extent of commitment incorporated into the outline planning permission. Two dwellings on these plots would result in overlooking of the rear garden area of No. 484 Duffield Road and would inhibit redevelopment options in the future for this and other land to the south...GD5, GD6, GD7 and H13.

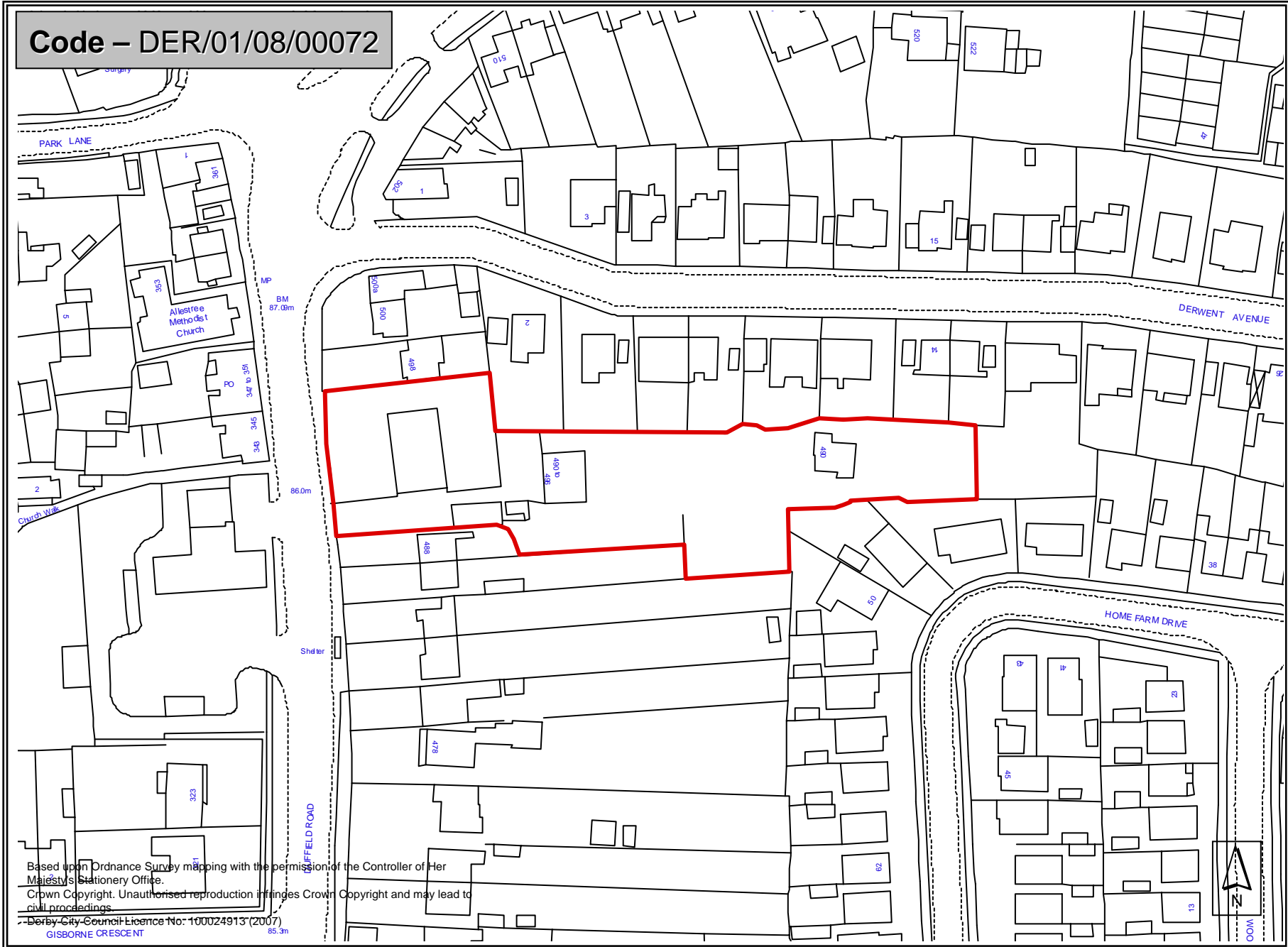
B1 APPLICATIONS (cont'd)

3 Code No: DER/01/08/00072

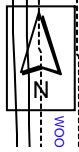
4. Standard reason E10 (add: "in accordance with the objectives of policy E23 of the adopted City of Derby Local Plan Review")
5. Standard reason E24 (add: "in accordance with the objectives of policy E9 of the adopted City of Derby Local Plan Review")
6. Standard reason E29 (add: "in accordance with the objectives of policy E9 of the adopted City of Derby Local Plan Review")
7. Standard reason E21 (add: "in accordance with the objectives of policy GD3 of the adopted City of Derby Local Plan Review")
8. Standard reason E21 (add: "in accordance with the objectives of policies GD3 and E12 of the adopted City of Derby Local Plan Review")
9. To ensure that any remediation on the site is treated as part of the development in accordance with the objectives of policy E12 of the adopted City of Derby Local Plan Review.
10. To ensure a pedestrian priority across the point of access in the interests of pedestrian and highway safety (add: "in accordance with the objectives of policy T4 of the adopted City of Derby Local Plan Review")

11.5 S106 requirements where appropriate: None.

Code – DER/01/08/00072



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GIBBORNE CRESCENT



B1 APPLICATIONS (cont'd)

4 Code No: DER/12/07/02305

Type: Full

1. Address: Land corner of Audrey Drive and Martin Drive (Disused garages)
2. Proposal: Erection of five dwelling houses and garages.
3. Description: This full application refers to land at present use as a lock up garage court. The site is separated from Martin Drive by a quite extensive grassed area containing several mature trees. This land is in the control of the City Council. To the rear of the site is a school, while to the side (east) are two storey houses on Martin Drive. On the opposite side of Audrey Drive are one and two storey residential properties facing the application site.

It is proposed to erect a terrace of four three storey houses facing No 2 and 2A Audrey Drive with pedestrian access from Audrey Drive, and conventional rear gardens. It is also proposed to erect at the rear of the site a two storey building with three garages on the ground floor and a single storey two bedroom, single aspect dwelling on the first floor. Five surface parking spaces (three directly in front of the garages) would also be provided, with vehicular access from Martin Drive. The car parking area would be contained behind a 2.0m high screen wall. A further double garage is also proposed.

Both buildings would be of a conventional pitched roof design, and would be faced in traditional red brick and grey roof tiles. The application site is at present owned by the City Council, and some of the garages are still in use.

4. Relevant Planning History: None
5. Implications of Proposal:
 - 5.1 Economic: None
 - 5.2 Design and Community Safety: I have no design objections to raise to the design of the proposed buildings. The three storey units would add variety to the locality and would be at an oblique angle to the properties directly opposite. The two storey unit is at an oblique angle to No 6 Martin Drive and would not be dominant in the streetscene. Overlooking within the scheme would give reasonable surveillance into the rear gardens and garage/parking area.
 - 5.3 Highways: No objections in principle, as access already exists to the garage court. Minor access amendments have been required and these have been taken up with the applicant and should be resolved before the meeting.

B1 APPLICATIONS (cont'd)

4 Code No: DER/12/07/02305

5.4 Disabled People's Access: To be reported orally.

5.5 Other Environmental: There are some fine mature trees close to the site on the Martin Drive frontage. These trees are controlled by the City Council, and the advice of the Arboricultural Officer has been sought. It is proposed that the trees be retained.

6. Publicity:

Neighbour Notification letters	15	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: I have received 20 letters of objection (in effect 20 copies of the same letter signed by different people.)

The letters are available in the Members' rooms. The main points raised by the objectors are:

- some of the garages are still being used
- increase in traffic next to the Infants School
- loss of parking in a congested area
- loss of 25 garages to gain one unit for social housing
- the garages are in fact very popular

Any further representations will be reported at the meeting.

8. Consultations:

Cor. & Adult Services (Estates) – no objection

Env. Services (Trees) – no objection in principle, subject to an appropriate condition regarding details of demolition of garages, agreed Root Protection Areas for all the trees, and details of the construction of the access drive.

9. Summary of policies most relevant: CDLP Review:

- GD4 - Design and the Urban Environment
- GD5 - Amenity
- H13 - Residential Amenity - General Criteria

B1 APPLICATIONS (cont'd)

4 Code No: DER/12/07/02305

- E9 - Trees
- E10 - Renewable Energy
- E23 - Design
- T4 - Access, Parking and Servicing
- T5 - Off Street Parking

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

- 10. Officer Opinion:** There is no objection in principle to the redevelopment of this brownfield site for residential purposes. The site lies within a long established residential area, and only five additional units are proposed. The proposal would not have an adverse effect on the POS area to the north, controlled by the City Council, and with the use of an appropriate condition the health of the fine group of trees can be maintained. I have requested some minor access details, and subject to this, safe access can be made to the site both for pedestrians and for vehicle drivers. Similarly, I am satisfied with the garage/parking provision of ten spaces.

I have no objection to raise to the proposed house types. They would add variety to the locality, and would not to my mind detract from the amenities of third parties to an unreasonable degree. Similarly the first floor unit above the garages is of a reasonable design and would not in my opinion detract from the amenities of No 6 Martin Drive.

What may concern Members, is the loss of lock up garages, some claimed by objectors to still be in regular use. No objections are raised by the Estates Officer, Local Plan policy T5 does allow for the loss of off-street parking facilities, provided that it has no road safety or traffic management implications. No highway objections have been raised on this aspect. In this case, an acceptable form of access can be provided and the provision of ten spaces with the site is quite adequate. I conclude, therefore, that whether the garages are in use is a management issue and not a justification for refusal of planning permission.

On balance, I am inclined to support the proposal subject to the receipt of access amendments previously referred to.

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

- 11.1 To grant** planning permission with conditions.

B1 APPLICATIONS (cont'd)

4 Code No: DER/12/07/02305

11.2 Summary of reasons: The proposal has been considered against the City of Derby Local Plan policies as summarised at 9 above, and is considered to be an acceptable form of residential infill development that would not detract from the appearance of the streetscene, the health of the nearby mature trees, or the amenities of third parties.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 19 (means of enclosure)
3. Standard condition 30 (hard surfaces)
4. Standard condition 13 (domestic use of garages)
5. Standard condition 24 (tree protection)

6. Before any work commences on site, a detailed method statement of the construction of the access road and parking area, including methods of tree protection, shall be submitted to and be approved in writing by the Local Planning Authority.

7. Standard condition 38 (drainage)

8. The existing vehicular access to Audrey Drive shall be returned to footway specification in accordance with a scheme to be agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in entirety within 6 months of the development, hereby approved, being commenced.

9. Standard condition 104 (energy consumption)

11.4 Reasons

1. Standard reason 14 ... policies GD4 and E23
2. Standard reason 18 ... policies GD4 and E23
3. Standard reason 18 ... policies GD4 and E23
4. Standard reason 07 ... policy GD5
5. Standard reason 24 ... policy E9
6. Standard reason 24 ... policy E9
7. Standard reason 21

8. To minimise danger for pedestrians and in the interests of traffic safety ... policy T4

9. Standard reason E51

11.5 S106 requirements where appropriate: none.

Code – DER/12/07/02305



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B1 APPLICATIONS (cont'd)

5 Code No: DER/01/08/00036

Type: Full

1. Address: Site of 346 Uttoxeter New Road (Royal Nursing Home)
2. Proposal: Demolition of The Royal Nursing Home and erection of residential care home
3. Description: The application site, which is almost triangular in shape, sits on the corner of Uttoxeter New Road and Albany Road. It is a relatively flat site and accommodates a number of mature trees around its perimeter, which are protected by a tree preservation order.

The existing nursing home, which occupies the site, is a two-storey building. The original part of the building sits to the centre of the site. It is an attractive gabled roof Victorian building, which accommodates exposed timbers and render at first floor level. More recent extensions have been added to the western elevation of the building and they are two storey.

This application seeks planning permission for the demolition of the existing building, and the erection of a 45 bed residential care home. The proposed care home consists of what appears visually as a series of linked buildings extending from two storeys to four storeys on the corner of the site where a curved façade to the end elevation is proposed. The footprint of the building offers a continuous frontage to Uttoxeter New Road, although this is set back from the highway frontage and accommodates some alignment with the neighbouring property on Uttoxeter New Road. A two-storey block sits perpendicular to the main building and projects out towards the Albany Road frontage. The mass of the building is fragmented by the linked blocks that are connected by sections that sit back from the main elevation of the building. Changes in height between the blocks are intended to present some elements of the scheme with a more domestic scale.

The development is offered a contemporary external appearance. Brickwork and render are proposed to be used on the elevations of the building, as are bay windows clad with horizontal timber boarding. A parapet wall is provided at eaves level with a shallow pitched roof extending beyond. Large window openings and balconies will offer an expanse of glazing on the curved corner of the site.

Surrounding development on Uttoxeter New Road and Albany Road is predominately residential in nature with dwellings that are mainly detached or semi detached.

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/08/00036

4. Relevant Planning History:

DER/03/07/00606 Demolition of the 'Royal Nursing Home' and erection of residential care home – refused 04/07/07

DER/04/06/00747 Demolition of existing building and erection of 9 town houses and 5 apartments – refused 29/06/06

DER/03/95/00324 Change of use and extensions to form nursing home – granted 09/05/95

5. Implications of Proposal:

5.1 **Economic:** The application indicates that 10 staff would be employed at the proposed care home.

5.2 **Design and Community Safety:** The breaking down of the mass of the development into distinct volumes that increase in scale in response to the context is considered appropriate and this does assist in adding interest to an elevation that is primarily made up of bedroom windows. The site's prominent corner does provide an opportunity for the proposal to reflect the curve and accommodate a distinct architectural treatment. No objections are raised to the mass, scale and elevational treatment of the development.

The Crime Prevention Design Advisor's comments are provided in section 8 of the report.

5.3 **Highways:** The parking area for the development would be served by the existing vehicular access into the site from Albany Road. The parking area includes 12 car parking spaces, a mini-bus parking space and a bin storage area. The Highway Officer is satisfied with the proposed parking layout and the parking facilities are considered adequate. There are no highway objections to this scheme.

5.4 **Disabled People's Access:** Disabled people's parking is satisfactory. The buildings accessibility is controllable by building regulation guidance.

5.5 **Other Environmental:** The trees on the site are protected by a group tree preservation order. A tree survey accompanied the application and of the 25 individual trees identified in the survey, 8 are to be retained with additional, new planting proposed. The views of the Arboricultural Officer are detailed in section 8 of this report.

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/08/00036

The application involves the demolition of the existing care home located on the site and the implications for any protected species needs to be taken into consideration. The views of Derbyshire Wildlife Trust are also provided in section 8 of the report.

It is considered that the development's impermeable area will remain broadly the same as the existing site but it is considered that more sustainable options for the discharge of surface water from the development should be considered. It is recommended that conditions be attached to any planning permission granted to require drainage details for the site to be agreed with the Local Planning Authority in order that alternative, sustainable options can be pursued.

6. Publicity:

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

7. Representations: A total of 23 individual letters of objection have been submitted in response to this application. Two petitions have also been submitted in objection to the scheme, one containing 33 signatures, and one containing 41 signatures. All of the representations will be available in the Foyer. The objectors express a number of concerns about the proposed development. These relate to:

- the contemporary design of the proposed development being unsympathetic and out of character in this context
- the impact of the development on the character of the area and the overall street-scene
- the proposed footprint, height and mass of the development being inappropriate
- the existing building being a local landmark and a building of quality that should be retained
- the refurbishment of the existing building would be a more sustainable option
- the impact of the proposed development on the privacy, view and light enjoyed by the occupiers of neighbouring residential properties
- the inadequacy of the proposed on-site car parking and the detrimental impact of the development on highway safety in the locality

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/08/00036

- existing highway safety problems being compounded by this development and that already taking place on the opposite side of Albany Road
- the impact of the proposed development on the existing trees and its implications for air quality and wildlife
- the layout fails to offer sufficient facilities for 45 patients and does not meet local social services criteria
- the proposed development provides an inappropriate amount of private amenity space for its future occupiers
- the health conditions of residents means that a four storey building is inappropriate
- concerns that the owner may choose to apply for permission to change the use of the building into flats in the future

8. Consultations:

DCommS (Arboriculture) – considers that the tree retention proposals will offer space to develop the site without losing the maturity and amenity value of the trees. No objections are raised from an arboricultural perspective provided that relevant conditions are put in place to ensure that protective fencing is erected prior to any development works commencing on site. Any tree work undertaken before the fencing is erected should be carried out in accordance with BS 3998: 1989 recommendations for tree work.

DcorpS (Health) – advise that the proposed development will bring the occupants of the care home within 14m of a busy road junction. Consequently, the future occupants are at risk of exposure to pollution levels exceeding the annual average Nitrogen Dioxide National Air Quality Objective and the developer should submit an Air Quality Impact Assessment for approval. This assessment will need to include mitigation measures, which will minimise the likelihood of the annual average being exceeded.

High levels of noise from the adjacent busy road may adversely affect the site. A comprehensive noise survey must be undertaken assessing the site against the criteria set out in PPG24. Should this indicate that mitigation works are required, it is advised that a scheme must be submitted by the developer for approval before the development proceeds.

DWT – note that the application has not been accompanied by a bat survey and that the tree survey did not include an assessment of the nature conservation value of the trees. The Trust would recommend that prior to granting of planning permission for this development, a bat

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/08/00036

survey of the building and trees should be completed by a suitably qualified and licensed ecologist at an appropriate time of the year.

The Trust also recommends that felled trees should, if possible, be left in situ in an out of way part of the site. This would enable the retention of important dead wood habitats on site that are valuable for invertebrates and a range of other species. The Trust recommends the use of native broad-leaved tree and shrub species as landscaping within the site. These will help to mitigate for the loss of some of the existing mature trees.

Crime Prevention Design Advisor – considers that the front elevation of the building addresses the main road and provides a strong building line. However, the extension to the rear provides a large recess and hidden area, which is vulnerable and not good design. All the vehicle parking is shielded from direct active surveillance, away from any views from main rooms, by being located out of sight behind and to the side of the rear block extension. Concerns are expressed that this will leave some parking spaces particularly vulnerable especially at night. Suggests that all cycle parking should be located in an active area where it can be observed, preferably adjacent to the main entrance to promote cycling as a safe sustainable alternative transport. It is considered that the levels of parking provision offered are insufficient.

Severn Trent Water – raises no objections subject to the inclusion of conditions on any planning permission granted to require details of surface water and foul sewage to be agreed prior to development commencing.

9. Summary of policies most relevant: Adopted CDLPR:

- GD4 - Design and the urban environment
- GD5 - Amenity
- GD8 - Infrastructure
- H13 - Residential development – general criteria
- E7 - Protection of habitats
- E9 - Trees
- E10 - Renewable energy
- E17 - Landscaping schemes
- E23 - Design
- E24 - Community safety
- T4 - Access parking and servicing
- T10 - Access for disabled people

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

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/08/00036

10. **Officer Opinion:** The existing care home building is predominately two storey although it does accommodate some room in the roof space. The Victorian proportions and attractive architectural features of the original part of the existing care home, offers an attractive focal point on this corner site. More recent extensions have been added to the building and they are much simpler in form but the original part of the existing building is attractive and its retention would be desirable. It is clear in the letters of representation that have been received in response to this application that local residents would wish to see the original part of the building retained. However, it is not a building that is included on the statutory list nor is considered of sufficient historic/architectural quality to be included on the local list. It is not possible, therefore, to insist on the retention and conversion of the original building that is currently located on this site.

This application does not offer a change of use of the site although the new care home would offer an intensification of the current use as the proposed building would offer an additional 1045 square metres of floorspace beyond that offered in the existing care home. The objectors have questioned the level of on-site parking to serve the new development and have raised concern that the increase in activity from this site, along with that anticipated at a new development taking place on the opposite side of Albany Road, would compromise pedestrian and highway safety particularly on the Albany Road/Uttoxeter New Road junction. The development serves to make use of an existing access/egress point into the site and the existing parking area is formalised to offer 12 spaces and one minibus space. A cycle store is also proposed to be located alongside the parking area. There are no objections raised to the level of parking provision proposed in association with this development from Highway Officers and the layout of the new parking area is considered acceptable.

The Crime Prevention Design Advisor's comments have been noted and considered. However, the rear section of the building does accommodate a number of windows in its northern and western elevations, some of those being bedroom windows. Given that the parking areas will achieve some passive surveillance it is not considered that a comprehensive revision of the internal arrangement of the building should be pursued in this case.

The replacement care home that is offered in this application is a building of greater height and with a larger footprint than that which it is to replace. However, the building would continue to occupy a central position within the site with its amenity areas extending out on the periphery, as is the case with the current care home. Questions have been raised about its ability to offer a satisfactory living environment for

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/08/00036

its future occupiers. In this regard, I must conclude that future occupiers would have access to similar outdoor amenity areas, albeit slightly smaller in area, as the current site accommodates but this is balanced against the improved facilities that would be offered within the building itself. Issues regarding air quality and noise have been noted and should planning permission be granted, it would be practical to seek the appropriate surveys by condition, to ensure that any necessary mitigation measures are incorporated into the development.

It is clear from the representations that have been received in response to this application that there are clear concerns with regards to the design of the proposed building and the appropriateness of its scale and mass given its context. Considering the extent of the buildings footprint and its need to offer a repeated row of bedroom windows of the same scale, I do consider that the proposal is successful in breaking down the overall mass of the development. The scale of the individual blocks of the building varies rising from two storey to four storey. The application site does sit within the domestic context of Albany Road but it is also viewed in the Uttoxeter New Road context, in a prominent location, on a corner on one of the main routes into and out of the City Centre. In my view, this staggered approach to building height across the site is successful, offering the two storey blocks in closest proximity to the boundaries that the site shares with neighbouring property and increasing up to four storeys where the increase in height takes advantage of the sites corner position. My Urban Designer has had the opportunity to assess the design of the proposal and there are no objections to the overall mass, scale and layout of this proposal.

The contemporary design of the proposed building would inevitably contrast with the various styles of domestic property that occupy the area around the site on Albany Road. Many of the objectors to the application feel that it would visually appear out of character with the established character of development in the immediate locality. It is acknowledged that policy GD4 states the development proposals should respect the "architectural style" of the surrounding area but, in my opinion, this should not preclude the introduction of new architectural styles into an area. There are contemporary buildings that are emerging across the city in the context of traditional street-scapes and the concept of juxtaposing contemporary extensions to traditional buildings is increasingly being explored. The contemporary approach to this development is carried through its form, proportions and fenestration and subject to the use of appropriate materials I do feel that it offers an opportunity to create "interesting townscape" promoted by policy H13.

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/08/00036

Given that this is a corner site with the majority of its boundary abutting the adjoining highways, it shares limited boundaries with neighboring property. The proposed buildings on the site would sit an adequate distance from dwellings on the opposite side of Albany Road and I am satisfied that they should not experience any significant loss of privacy, light or amenity. I consider 1 Albany Road to be of sufficient distance from the building to remove any massing or overshadowing implications for that dwelling. The bedroom windows in the southwest elevation would sit some 11m from the common boundary, therefore overlooking of 1 Albany Road and 350 Uttoxeter New Road should not be unreasonable in this case. The relationship of the siting of the development to 350 Uttoxeter New Road is also acceptable and this neighbouring property should not be offered unreasonable overshadowing or massing problems as a result of the development.

Strong concerns are expressed by local residents with regards to the proposed level of tree loss on the site. Their retention is desirable from an air quality and visual amenity point of view as they do continue to have high amenity value. However, the extent of trees surrounding this site does offer a clear constraint as to what can realistically be achieved upon it. A tree survey was submitted with the application and the applicants have been involved in pre-application discussions with the City Council's Arboricultural Officers. It is clear that regard has been had to the retention of trees on the site that are worthy and can realistically be retained in conjunction with the development and future use of the site. Our Arboricultural Officer has advised that he is satisfied with the proposals offered in this scheme and its implications for the trees and I raise no objections to the application on those grounds.

Given the extent of tree works proposed as part of this application and the proposed demolition of an existing building, the presence of protected species such as bats is a material consideration when determining this application. No ecological survey was submitted as part of the application. I have noted the advice of DWT who suggest that planning permission should not be granted for a development until a bat survey has been undertaken. Given that bat surveys should only be undertaken at certain times of the year, seeking a survey during the course of this application would not prove best practice. I therefore consider the imposition of a condition, which requires a bat survey to be undertaken at the appropriate time of year, would be reasonable, should planning permission be granted for this development.

Given that a recent application was submitted for residential development on this site, a number of the objectors have raised concern that should planning permission be granted for the

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/08/00036

development, permission will be sought in the future to change its use to apartments. Such views are purely speculative and cannot be used to offer grounds to refuse planning permission for this scheme. Should such an application be submitted in the future, it would have to be considered on its merits and is not an issue for consideration in the determination of this application.

11. Recommended decision and summary of reasons:

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

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

C. If the applicant fails to sign the S106 agreement by the end of the 13 week target period (9 April 2008) consideration be given in consultation with the Chair, **to refuse** planning permission.

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

11.3 Conditions

1. This permission relates solely to the application as amended by the revised plans received on 14 March 2008

2. Standard condition 27 (external materials)

3. Standard condition 24 (vegetation protection)

4. Standard condition 30 (surfaces to be drained etc)

5. Standard condition 69 (cycle/motor cycle parking)

6. Standard condition 19 (means of enclosure)

7. Standard condition 20 (approval of landscaping scheme)

8. Standard condition 22 (landscaping within 12 months (condition 8))

9. Standard condition 38 (drainage)

10. Standard condition 104 (energy conservation)

11. Development shall not begin until details of an assessment of air quality on the site have been submitted to and approved in writing by the Local Planning Authority. The assessment shall have regard for levels of nitrogen dioxide on the site and shall include details of

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/08/00036

any remedial measures deemed necessary to protect any future occupiers of the development. Any remedial measures considered necessary shall have been approved in writing by the Local Planning Authority before development commences and all the necessary remedial measures shall be completed on site before the permitted development is occupied, unless otherwise agreed in writing by the Local Planning Authority.

12. Before development commences a detailed noise assessment establishing the impact of traffic noise from Uttoxeter New Road on the proposed development and details of proposed measures to mitigate for any identified noise implications shall be submitted to and approved in writing by the Local Planning Authority before development commences unless otherwise agreed in writing by the Local Planning Authority.
13. Before any development is commenced, including demolition of the existing building:
 - a. a survey of roosting bats and the potential for roosting bats shall be undertaken. This shall be in the form of emergence/roost survey to determine the exact nature of bat presence on site. Depending on the results of the survey:
 - b. necessary measures to protect the species through mitigation proposals shall be submitted to and agreed in writing by the Local Planning Authority.
 - c. all such agreed measures shall be implemented in their entirety.
 - d. a DEFRA licence shall be secured to legitimise destruction of any bat roost.

11.4 Reasons

1. Standard reason E04
2. Standard reason E14...policies H13 and E23
3. Standard reason E11...policy E9
4. Standard reason E09...policies GD8 and H13
5. Standard reason E16...policy T4 and T7
6. Standard reason E09...policies GD5 and H13
7. Standard reason E09...policies GD4, GD5, H13, E17 and E23
8. Standard reason E08...policies GD4, GD5, H13 and E17
9. Standard reason E09...policy GD3 and GD8
10. Standard reason E51...policy E10
11. In the interests of the future occupiers of the site in accordance with policies GD5 and H13 of the adopted City of Derby Local Plan Review.

B1 APPLICATIONS (cont'd)

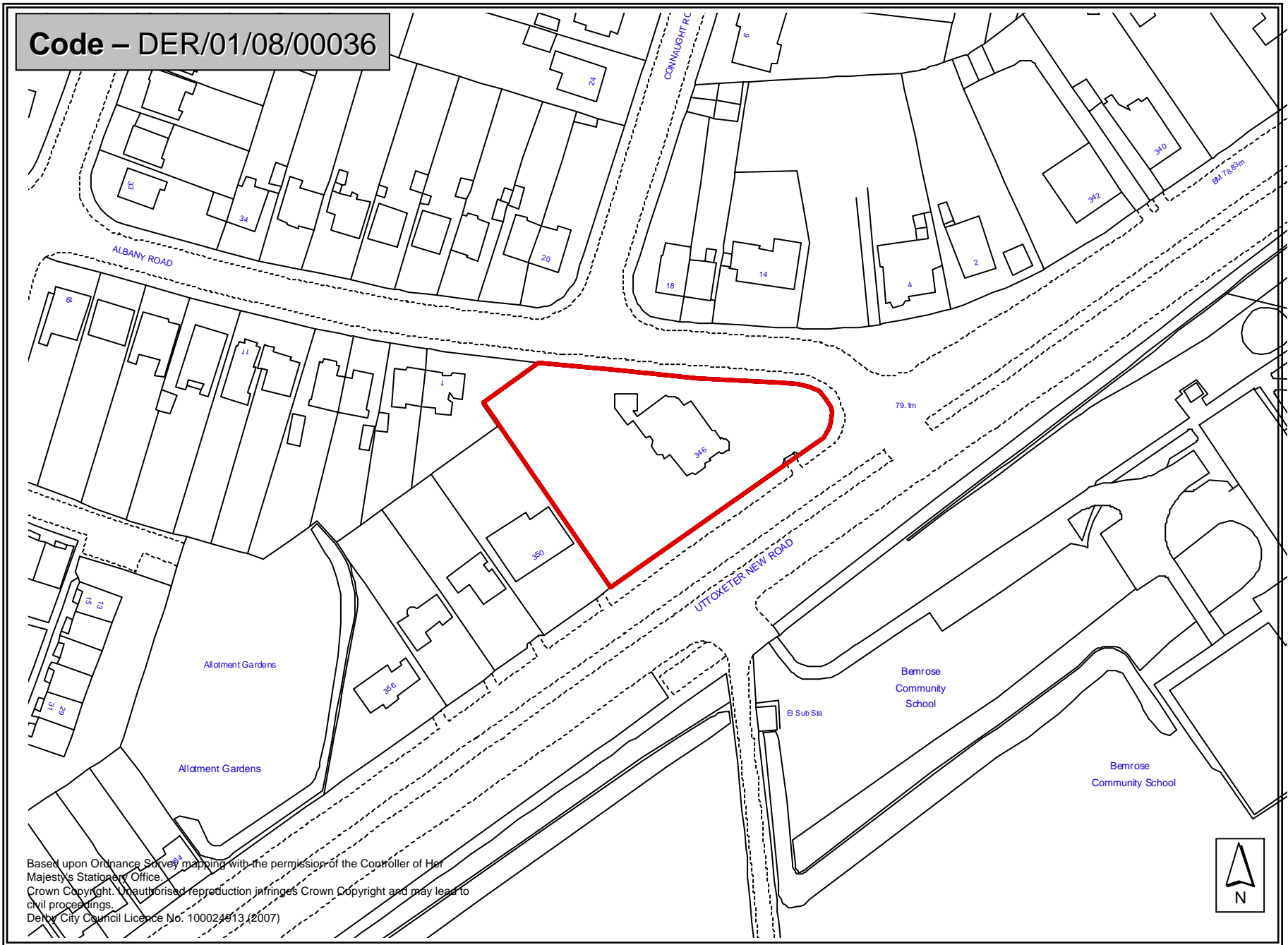
5 Code No: DER/01/08/00036

12. In the interests of the amenities of future occupiers of the development and in accordance with policies GD5 and H13 of the adopted City of Derby Local Plan Review.

13. To ensure that the existence of any bat roosts at the site is fully investigated and that there is minimal disturbance and protection of this protected species in accordance with the principles of Planning Policy Statement 9 - Nature Conservation and policy E9 of the adopted City of Derby Local Plan Review - 2006.

11.5 S106 requirements were appropriate: Highways contributions.

Code – DER/01/08/00036



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B1 APPLICATIONS (cont'd)

6 Code No: DER/10/07/02006

Type: Full

1. **Address:** Land at the side of 75 Sutton Avenue, Chellaston
2. **Proposal:** Erection of equipment kiosk
3. **Description:** The application seeks planning permission for an equipment kiosk to be sited between 75 Sutton Avenue and 1 Woodminton Drive. This is a revised location, as the application originally sought planning permission for the kiosk opposite number 4 Woodminton Drive. The kiosk will measure approximately 0.66 m x 0.28 m x 1.11 m, and will be made from stainless steel and powder coated Holly Green. Members will be familiar with this site, as it was presented at 13th March Planning Control Committee and was deferred a members site visit which Members will have visited before the meeting. Further information has been sought from the applicant detailing the alternative sites that have been considered for the kiosk, this will be reported orally.
4. **Relevant Planning History:** There is no relevant planning history relating to this application.
5. **Implications of Proposal:**
 - 5.1 **Economic:** The proposal is required in connection with improvements being made to the water distribution and sewage networks to improve efficiently and effectiveness.
 - 5.2 **Design and Community Safety:** The design of the kiosk is typical of many equipment kiosks and street furniture. Due to the siting of the kiosk to the back of the pavement I do not consider it impinge on the safety of users of the footway.
 - 5.3 **Highways:** As the kiosk will be placed at the rear of the footway, this will provide satisfactory pedestrian clearance. The kiosk would be adjacent to a vehicular access however I do not consider this kiosk to cause any visibility issues.
 - 5.4 **Disabled People's Access:** None.
 - 5.5 **Other Environmental:** The kiosk is to house the equipment for monitoring the levels within an overflow tank located in Woodminton Drive to limit the discharge to the water course.
6. **Publicity:**

Neighbour Notification	6	Site Notice	
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B1 APPLICATIONS (cont'd)

Code No:

letter			
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. **Representations:** One letter of objection has been received regarding the amended scheme. The letter raised the following concerns:

- Loss of privacy
- Increased risk to the security of the 75 Sutton Avenue
- Size and location of the proposal is not in-keeping with the surrounding area

This application has been put forward to Committee due to concerns raised by Ward Members and the Chair.

8. **Consultations:**

9. **Summary of policies most relevant:** The most relevant policies of the adopted CDLPR are:

- GD5 - amenity
- E23 - design
- T4 - Access, parking and servicing

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

10. **Officer Opinion:** The appearance of the proposed kiosk in my opinion is in-keeping with the surrounding area and as the kiosk would be sited at the rear of the footway, against a brick wall, I consider it not to have a detrimental impact or be a prominent feature in the overall context of the streetscene.

The proposed kiosk would not affect the visibility from the driveway at 75 Sutton Avenue and, therefore, would not impact on traffic and pedestrian safety along Woodminton Drive.

It has been suggested that the proposed kiosk be sited on the open space in the middle of Woodminton Drive. This would result in a large amount of construction work on the open space, which is land controlled by our Leisure Services Division. If it were to be located on this open space it would be visually prominent within the streetscene and the preferred siting would be as proposed in this case.

B1 APPLICATIONS (cont'd)

Code No:

Overall, the siting of the proposed kiosk would have a minimal impact on the streetscene and surrounding area and would not impinge on the amenity of nearby residents.

11. Recommended decision and summary of reasons:

11.1 **To grant** permission with a condition.

11.2 **Summary of reasons:** The proposal has been considered in relation to the provisions of the adopted City of Derby Local Plan Review and all other material considerations as indicated in above. The proposal is not considered to have a significant impact on the visual amenity of the area and access to the neighbouring properties will not be adversely affected.

11.3 **Condition**

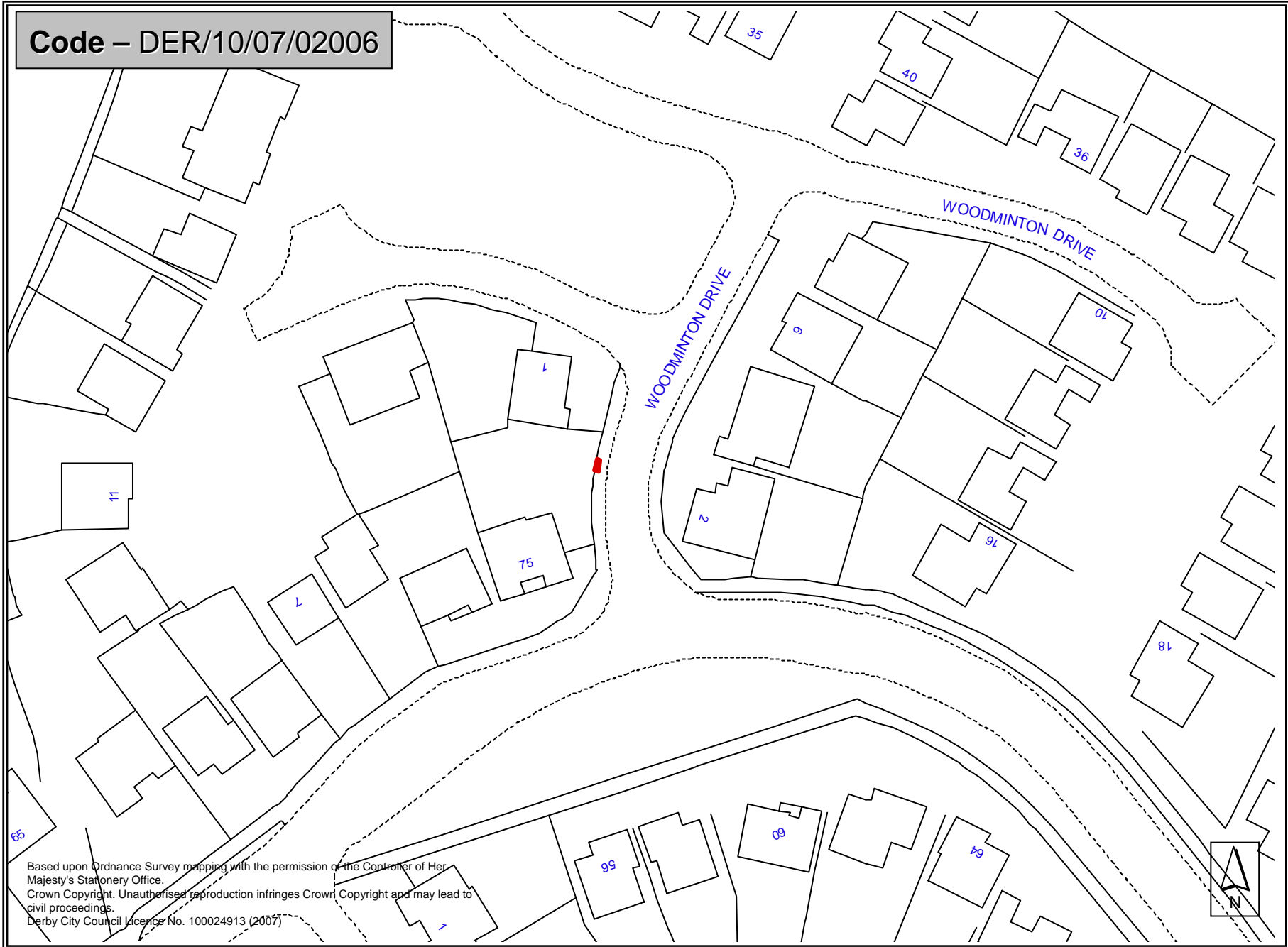
Standard condition 09A (revised plans received on 4 December 2007)

11.4 **Reason**

Standard reason E04

11.5 **S106 requirements where appropriate:** -

Code – DER/10/07/02006



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D2 SPECIAL ITEMS

1 APPEALS DECISIONS

Appeals against planning refusal

Code No	Proposal	Location	Decision
DER/04/07/00692	Erection of dwelling	Site 450 Duffield Road, Allestree	Dismissed
<p>Comments: The Inspector considered that the proposed residential development in the rear garden of the property, would appear relatively cramped on this plot and out of character with the surrounding residential area, which is characterised by large detached dwellings to the front of their plots. The proposal would set an undesirable precedent for similar types of residential development, causing cumulative harm to this section of Duffield Road. The proposed narrow driveway would also result in additional local noise from vehicles between 450 and 452 Duffield Road. This would increase noise nuisance to the occupiers of these properties.</p> <p>The Inspector concluded that the proposal would adversely affect the character and appearance of the area and thereby be contrary to Policies H13 and GD5 of the Local Plan.</p>			

Code No	Proposal	Location	Decision
DER/06/07/01262	Display of various internally and externally illuminated panel and free standing post signs.	27 Duffield Road (Petrol Filling Station)	Allowed
<p>Comments: Advertisement consent was sought for the installation and display of a large number of assorted advertisement and information signs to be displayed on the buildings and around the forecourt of this newly built, replacement filling station which now also runs as a Sommerfield mini-market.</p> <p>The site lies on the west side of Duffield Road, fronting onto Duffield Road and its site extends as far as the Garden Street frontage. The Strutts Park Conservation Area lies immediately opposite on Duffield Road.</p> <p>Advertisement was granted for the majority of the signs applied for. However, it was considered that two signs, each measuring 4.6 metres x 2.070 metres, to be attached to either end elevation of the shop building and facing Garden Street and Duffield Road, in combination with other signs to be approved, would result in an excessive amount of signage giving a cluttered appearance to the site and to the streetscene. These two signs were excluded from the</p>			

D2 **SPECIAL ITEMS** (cont'd)

1 **APPEALS DECISIONS**

consent by a condition on the advertisement consent.

The Inspector considered however, that although the appeal signs are large in relation to the size of the wall on which they were attached, the site would be no more attractive or less intrusive if the signs weren't there and they would be seen wholly in conjunction with the petrol filling station and shop. He also concluded that the lighting of the signs was relatively soft lighting and would have little impact on the otherwise quite brightly lit site.

He concluded that he did not think the signs harmed the character of the area or the amenity of local residents. The appeal was, therefore, allowed.

RECOMMENDATION: To note the report.