

B1 APPLICATIONS

1 Code No: DER/10/08/01542

Type: Full

1. **Address:** Site of 59 Wilkins Drive, Allenton
2. **Proposal:** Demolition of bungalow and erection of 20 apartments
3. **Description:** The site is currently occupied by a detached bungalow located at the eastern end of Wilkins Drive, Allenton. It is a generous plot, which does not fit in with the character of the rest of the locality, being of a lower density and scale. The surrounding area comprises primarily 2 storey semi-detached and terraced housing, with a large 4 storey block of flats to the south side of Wilkins Drive, known as Brindley Court. These flats dominate the local streetscene due to their scale and height. To the east of the site is public open space with the former canal footpath and cycle route running north to south, with access from Wilkins Drive.

It is proposed to demolish the bungalow and erect 20 two bedroom apartments on the site. The development would incorporate a 4 storey building, comprising 3 blocks, linked by a glazed communal entrance and stairwell. The blocks arranged in a T-shape, would be of similar height with a shallow pitched roofline and use of contrasting brickwork. The building would be sited in the south east corner of the site, nearest to the public open space with a residents' car park of 20 spaces, abutting the western boundary with neighbouring dwellings. A new 4.3 metres wide gated vehicular access would be formed onto Wilkins Drive and a separate pedestrian access provided alongside it, serving the main entrance to the building. The site is to be enclosed with 2 metre high mesh security fencing abutting the public open space, a 2.1 metre high wall on the west boundary with residential properties and a wall with railings to the Wilkins Drive boundary.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The design and scale of the apartments takes reference from existing residential properties in the local area, which includes a mix of dwelling types and flats. The form and appearance of the building is functional in design terms and would reflect the general character and form of development in the streetscene. Its siting would provide for a distinct separation from the nearest dwellings to the west and south and reduce the building's dominant impact on the surrounding streetscape.

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In terms of community safety implications, there has been significant concern expressed from local residents about the potential increase in anti-social and criminal behaviour arising from the occupiers of the proposed apartments. These fears appear to be based on genuine concerns, arising from existing problems with crime in the local area, which stem from an existing block of flats of similar scale to the proposal. The proposed development would form two bedroom units intended for market sale or rent on a self-contained site with secure points of access. The behaviour of future occupants is not a matter for the planning process and should not be a consideration in determination of this type of residential proposal. The form of the proposed apartments would substantially differ from neighbouring Brindley Court. The main similarity is that it is to be 4 storeys high. The proposed layout and design of the scheme would provide a reasonably secure environment for the residents and discourage opportunities for crime and anti-social activity in and around the apartments. The principal south elevation of the building would overlook the footpath link to Wilkins Drive and natural surveillance of this public route would be enhanced.

- 5.3 Highways:** The proposed access width and pedestrian visibility splays would be adequate for this building. The parking spaces on the site would be adequate, although one of the bays shown is substandard. A 6 metre width is required between the parking spaces to allow access and egress. The development proposes 100% parking, although some visitor spaces are considered to be needed in this location. Displacement of visitor parking onto the highway may lead to some obstruction. The storage area for waste and recycling would be within the recommended man carry distance of the highway, although sited in an awkward location adjacent to the entrance gates. A secure and covered cycle storage area is also required to be incorporated in the building. Revisions to the parking layout have been requested and additional comments will be reported orally to the meeting.
- 5.4 Disabled People's Access:** 2 Lifetime homes should be provided on the ground floor. The rest of the development would have a degree of accessibility through Building Regulations.
- 5.5 Other Environmental:** The existing bungalow has a large curtilage with a few small trees around the perimeter, which are of limited individual merit. The north and east boundaries are surrounded by a rundown hedgerow, which forms the edge of grassed open space along the pedestrian/cycle way. This vegetation is part of the designated wildlife corridor.

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6. Publicity:

Neighbour Notification letter	87	Site Notice	Yes
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: 15 objections have been received from local residents and Councillors Graves and Bayliss. A petition of local residents has also been forwarded. Copies of all correspondence will be available to view in the Members Rooms. The main issues raised are as follows:

- The height and scale of the apartments would restrict daylight to neighbouring dwellings and result in a loss of privacy
- The development would be an over intensive use of the land and not in keeping with the character of the area
- The proposal would result in significant traffic generation and an increased highway danger for local residents
- The apartments may result in increased anti-social activity and criminal behaviour in the local area
- The proposed erection of a brick wall along the boundary with existing dwellings would overshadow neighbouring properties and be out of keeping with the surrounding area
- The existing sewerage is in a poor state of repair and would not be suitable for the new development
- The proposed car parking adjacent to existing dwellings would cause noise and disruption for residents.

Objections have also been received from Derby Homes Neighbourhood Team and Safer Neighbourhood Sergeant, which raise concerns about existing high levels of anti-social behaviour and criminal activity in the local area and the high density of existing residential properties, including the Brindley Court block of flats, which is a focus for current social problems. A high level of fear about crime exists among local residents and there is concern that the potential occupiers of the proposed flats may exacerbate existing problems.

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8. Consultations:

EnvS (Arboricultural) – No objections to proposal. The small trees located on the property are in a poor condition and do not merit retention. There is evidence of some larger trees on the site, which have been removed in the recent past. Recommend that some replacement planting is incorporated into the landscaping scheme.

Police ALO – The proposed design of the apartments has considered crime, particularly the protection of residents from the surrounding environment, with features such as 2 metre high boundary fencing and gated access. The mass of the building and fenestration facing the footpath to the south would bring passive supervision to an area, which is currently visually isolated and an environment which potentially generates crime and fear. Clarification of minor details is needed, such as boundary treatment and the practicalities of access control for both pedestrians and vehicles.

There is an existing problem in the local area with fear of crime and criminal activity, centred around a nearby block of flats. The anxiety over crime extends to the surrounding residential area and there is a fear locally that the proposed apartments would develop similar social problems. Sentiments regarding this application are based on real concerns, about the need for additional flats and that the proposal would be similar in scale and design to Brindley Court.

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

- | | |
|---------|---|
| GD3 | - Flood Protection |
| GD4 | - Design and the urban environment |
| GD5 | - Amenity |
| H11 | - Affordable housing |
| H12 | - Lifetime homes |
| H13 | - Residential development – general |
| E10 | - Renewable energy |
| E17 | - Landscaping schemes |
| E23 | - Design |
| E24 | - Community Safety |
| L2 & L3 | - Public open space standards |
| T1 | - Transport implications of new development |
| T4 | - Access, parking and servicing |

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

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10. **Officer Opinion:** The application site currently has a low density form of residential use within a relatively high density urban context characterised by a mix of house types. The property appears somewhat out of place in this location and is suitable for re-development to a more intensive form of residential use, under the provisions of Local Plan and central government housing policies. In terms of achieving a high quality form of development, which fits in with the local streetscene, a flat development would meet these objectives better than a group of dwellings. This is due to the location and shape of the site and how it relates to the street frontage. The proposed apartment scheme would make a more efficient use of the site than the existing bungalow, in terms of its layout and scale. The site is located in a highly accessible position, served by bus routes on Harvey Road and the former canal cycle route footpath. In principle, the proposed development of this site for residential is considered to be appropriate in line with Policy H13 and the objectives in PPS 3 (Housing), subject to a good quality living environment being provided.

The form of development proposed is a 4 storey building, comprising 20 apartments, which would be of considerable scale. The nearest properties to the south and west are 2 storey dwellings, which would be noticeably lower in height than the proposed building. Despite this, the position of the site and the proposed siting of the apartments would allow for a separation of about 12-13 metres between the adjacent dwellings and the elevations of the building. The provision of a visual break around the development would overcome any undue dominance in the local streetscene. The building would also be seen against the setting of the existing 4 storey row of flats and 3 storey block, both to the south of the site and in relative proximity. These built forms are part of the street context in this area and serve as a guide for the scale of this proposal. The building would be sited close to the eastern boundary with the public open space and be prominent from this extensive public route. Views from this public space would see the building against the setting of the surrounding 2 to 4 storey properties. The overall scale, massing and form of the development is considered to be appropriate in this location.

The proposed apartments would be orientated to avoid undue overlooking or overshadowing of nearby dwellings. The principal openings of the apartments would be primarily located in the south, east and north elevations. The only properties which directly overlook the site are the two storey dwellings on Johnson Avenue to the west. Their first floor windows would be about 30 metres distant from the facing openings of the apartments at the rear of the block and there would be no other windows on this facing side elevation. Taking into account the 4 storey height of the development, this relationship with

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the existing dwellings would be acceptable, resulting in limited loss of privacy and overshadowing for the nearby residents. The other neighbouring dwellings at 57 and 76 Wilkins Drive have only flank elevations facing the site, with no principal openings. The proposed siting of the building, leaving at least 12 metres gap from both of these dwellings would limit undue overlooking and loss of light and avoid an unreasonable loss of amenity for local residents.

The implication of siting an apartment scheme in this location, as opposed to another form of residential development, in terms of the impact on the wider community safety of local residents has been discussed elsewhere in the report. The main issue to consider is the degree to which the proposal meets the requirements of Policy E24 on community safety. This policy seeks to ensure that the new development provides a safe and secure environment for residents and incorporates appropriate measures to limit opportunities for crime and anti-social behaviour. The design of the proposal takes account of the need for security and crime prevention measures and would make some improvements to surveillance over the turning head of Wilkins Drive and the public open space. Despite the real concerns expressed about the potential increase in social problems arising from this proposal, I am satisfied that it would adequately address these issues by fulfilling the objectives in Policy E24.

The proposed car parking provision for this development would provide 1 space per apartment, 20 spaces, which is a level of parking provision normally achieved on residential schemes such as this elsewhere in the city. It is a relatively sustainable location, being served by various means of transport and with a high level of accessibility to the city centre and nearby District Centres. There is minimal scope to achieve any additional visitor parking on the site and this would be displaced onto the local highway. This situation would not in my opinion, cause undue obstruction on the highway, on the basis that there does not appear to be existing congestion or parking problems in the locality. Wilkins Drive could adequately provide for the limited amount of visitor parking, which would be generated by this residential use. The proposed parking and access arrangements for this development would be acceptable in this location and are unlikely to be detrimental to highway safety in the local area.

The site abuts a designated wildlife corridor, relating to the former canal route and public open space. The proposal is unlikely to undermine the value of the wildlife corridor, in line with Policy E6, although it should be assimilated with the open space, by introduction of a good quality planting scheme. Suitable planting as a part of landscaping proposals could be secured by an appropriately worded condition.

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A residential development of this scale would give rise to a requirement for affordable housing, contributions towards improvements to the transport corridor, public open space and public realm improvements and lifetime homes. The affordable housing element would be provided by means of a financial contribution, since there has been no interest from social housing providers in apartments in this location. There does not appear to be a local need for this type of affordable provision. The above contributions would all be secured by means of a Section 106 Agreement. The Heads of terms have been agreed in principle by the applicant.

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. To authorise the Assistant Director – Regeneration **to grant** planning permission on the conclusion of the above agreement, 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 09A (Amended plans -)
2. Standard condition 27 (external materials)
3. Standard condition 19 (means of enclosure)
4. Standard condition 20 (landscaping scheme)
5. Standard condition 22 (landscaping maintenance – Condition 3)
6. Standard condition 30 (hardsurfacing)
7. Standard condition 38 (drainage scheme)
8. Standard condition 99 (recycling facilities)
9. Standard condition 94 (cycle/motor cycle parking)
10. Standard condition 104 (energy consumption)
11. Before any of the apartments are occupied, details of measures to provide controlled access to the site and the building, for both vehicles and pedestrians, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with such approved details.

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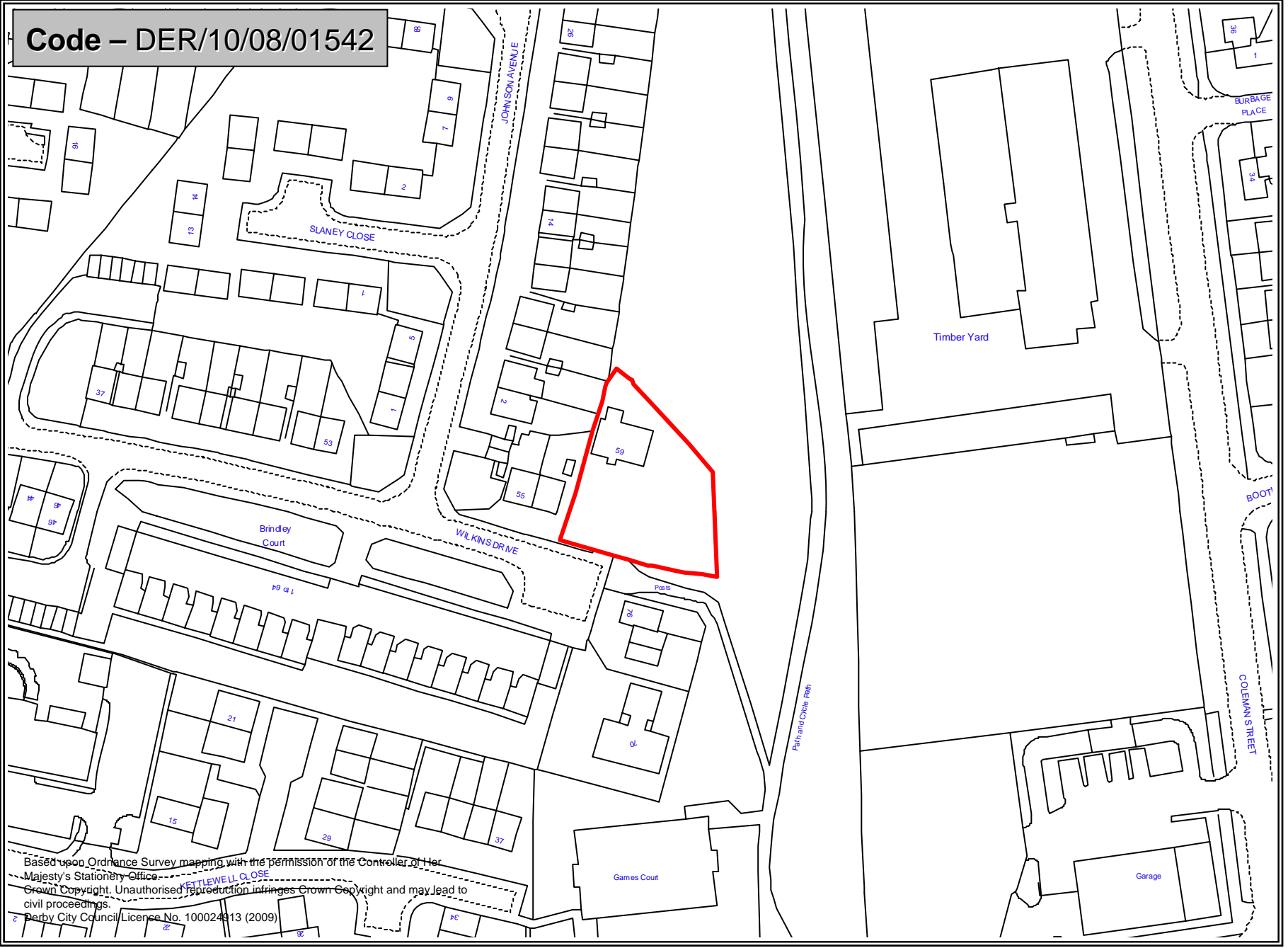
11.4 Reasons

1. Standard reason E04
2. Standard reason E14...policy E23
3. Standard reason E08...policy E23
4. Standard reason E09...policy E1
5. Standard reason E09...policy E17
6. Standard reason E21...policy E23
7. Standard reason E21...policy GD3
8. Standard reason E48...policy GD4
9. Standard reason E35...policy T4
10. Standard reason E51...policy E10

11. In the interests of security for occupants and visitors to the development and for wider community safety in the local area...
policy E24

11.5 S106 requirements where appropriate: Affordable housing, lifetime homes, Public open space and public realm, highways contribution towards improvements to A6 corridor.

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B1 APPLICATIONS (cont'd)

2 **Code No:** DER/11/08/01554

Type: Full

1. **Address:** Site of former BMW car showroom, King Street
2. **Proposal:** Erection of hotel, 89 apartments, restaurant/bar (use class A3) and car parking (amendment to previously approved Planning Permission Code No. DER/09/07/01793)
3. **Description:** This revised application for the erection of hotel, apartments and associated restaurant/bar and car parking on the site of the former BMW showroom on King Street, is for modest amendments to the footprint of the building and the elevational treatment. The casino, which formed part of the original scheme is omitted, although this has no impact on the overall appearance of the building, since it was to be at lower basement level. The development is currently under construction and currently only the hotel, with associated car parking and A3 uses are being built on the site. The applicant is intending to construct the apartment wing at a later date as a second phase. Details of the proposed elevational treatment of the south facing elevation of the hotel, which would have adjoined the apartments have been supplied. This indicates the use of external materials to tie in with the appearance and design of the rest of the building.

The site is a level platform elevated about 2 metres above St. Alkmund's Way and lies inside the loop of the slip road from King Street. There are trees on the adjacent public open space. The site is located on the north side of the city centre, surrounded by a mix of two, three and four storey built form in both residential and commercial uses. It is an historically sensitive location, positioned between the Grade II* listed St. Mary's Church and the Grade I listed Cathedral, both important buildings around the northern part of the city centre. The site is close to two Conservation Areas and is located within the World Heritage Site buffer zone.

The proposed amendments to the finally completed scheme, would mainly involve a shortening of the overall length of the building, to the west elevations of both the hotel and the apartment wings by approximately 3.6 metres from public open space. This reduction in the size is required to avoid conflict with the existing retaining wall adjacent to the site of the former St. Alkmunds Church, which forms part of the public open space. This would also result in alterations to the landscaping proposals abutting the ruins of the church. The number of hotel bedrooms would be reduced from 226 to 213. Minor alterations have been made to the elevations, in terms of omission of a stairwell on the west elevation of the apartments and removal of the west facing spire on the roof of the tower.

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2 Code No: DER/11/08/01554

The proposed parking and servicing arrangements for the completed development would be unaltered from the approved scheme. However the basement car park for the first phase would be a reduced area, sited underneath the hotel and courtyard space. There would be 36 parking spaces, including 6 disabled spaces and cycle parking. The entrance would be set back approximately 20 metres from King Street.

4. Relevant Planning History:

DER/09/07/01793 - Erection of hotel, 89 apartments, restaurant/bar (Use Classes A3) and car parking, casino – Granted subject to Section 106 Agreement, July 2008.

DER/07/03/01256 - Erection of 64 apartments with semi-basement car parking and landscaping works, granted September 2004. This development comprised a four and five storey building with four six storey towers 21.4m in height.

5. Implications of Proposal:

5.1 Economic: The proposed hotel and restaurant/bar use would have a projected 150 employees. This would amount to significant employment generation for the city and, therefore, economic benefits for the local economy. Recruitment should mainly be taken from the local area through the Workstation Derby project which targets training and recruitment from local communities. The proposed hotel would serve a demand from the business and leisure market for good quality accommodation.

5.2 Design and Community Safety: The general design, form and appearance of the development is unchanged from the approved scheme. The size of the building would be reduced slightly at the western end, although this reduction in the overall massing and scale would not be significant. The approved hotel has a strong vertical element facing towards the Inner Ring Road, whilst the two wings on the north and south frontages would form new street blocks on both road side elevations. The general massing and scale is broken up by panels of contrasting materials and various forms of fenestration and glazing.

Phase one of the scheme, comprising the hotel building only, would allow for a larger area of landscaping and planting to be provided on the site. The raised courtyard space to the front of the hotel would link at the same ground level with the adjacent open space. A high quality landscaping scheme would be sought over this space, at the entrance to the hotel.

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The development would provide good natural surveillance over the surrounding public realm and secure points of access would be provided to the various uses.

5.3 Highways: The gradient of the access shall not exceed 1:10 for the first 10 metres from the highway boundary to enable vehicles to enter and leave the highway in a slow and controlled manner, No objections raised to the reduction in parking provision for phase one of scheme, subject to their not being brought into use until apartments are occupied.

5.4 Disabled People's Access: 9 Lifetime Home apartments are required with a degree of accessibility. Public buildings would be delivered by compliance with Building Regulations.

5.5 Other Environmental: There are no longer any trees or vegetation on the site. On the adjacent public open space there are mature trees of varying size and quality. Most of the trees on this space would be unaffected by the proposal. However, the submitted landscaping scheme indicates replacement tree and shrub planting, which would mitigate for the loss of existing vegetation.

6. Publicity:

Neighbour Notification letter	30	Site Notice	
Statutory press advert and site notice	Yes	Discretionary press advert and site notice	
Other			

7. Representations: Four letters of objection have been received to date. Copies are reproduced and the main issues raised are as follows:

...

- No attempt has been made to describe the access arrangements for the hotel, before the apartments are constructed. Movement of refuse and access to the basement parking area would be restricted, whilst the apartments are being built. It is not clear how deliveries and collections to the hotel would be achieved and as such the proposal does not meet the requirements of Policy T4.
- The revised proposals include too few off-street parking spaces for the demand the development will generate.
- The appearance of the hotel is not acceptable, since it is too tall and an ugly structure, which would adversely affect the skyline.

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2 Code No: DER/11/08/01554

8. Consultations:

EnvS(Landscape) - The existing trees to be retained should be protected in the light of changes in ground levels in this area, to avoid alterations within the root protection area. A method statement has been requested. Further details have been sought showing how the change in levels would be treated from the hotel and existing open space to the temporary landscaped area. Assume that the ground would be banked down, although it is not clear from the layout drawings. The proposed new section of wall between the existing wall and the hotel elevation should be faced in stone to match the existing. This could have a significant visual impact when viewed from the highway.

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

- GD4 - Design and the urban environment
- GD5 - Amenity
- CC1 - City Centre Strategy
- CC7 - Residential uses within the central area
- CC18 - Central area car parking
- H11 - Affordable housing

- H12 - Lifetime Homes
- H13 - Residential development - general criteria
- EP15 - Visitor attractions
- EP16 - Visitor accommodation
- S12 - Financial and professional services and food and drink uses
- E5 - Biodiversity
- E10 - Renewable energy
- E12 - Pollution
- E17 - Landscaping schemes
- E18 - Conservation areas
- E19 - Listed buildings and buildings of local importance
- E21 - Archaeology
- E23 - Design
- E24 - Community safety
- E27 - Environmental Art
- E29 - Protection of World Heritage Site and surroundings
- L2 & L3 - Public open space standards
- L8 - Leisure and entertainment facilities
- T1 - Transport implications for new development
- T4 - Access, parking and servicing
- T10 - Access for disabled people

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

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2 Code No: DER/11/08/01554

- 10. Officer Opinion:** This proposal relates to the approved mixed use development, including large hotel and apartments on a gateway site to the north of the city centre. The site is being developed in 2 phases, with the hotel currently under construction and the apartments, to be erected at a later date. The application seeks to clarify this intention to phase the build and finish the external treatment of the hotel building and the open areas to the south of the site, in the absence of the apartment wing. The phased approach to developing this site would not in itself require planning permission, although the interim treatment of the portion of the site remaining undeveloped is a material consideration in this case, due to the potential impact on the character and appearance of the city centre streetscape. The proposed phasing and finishing of the hotel development would be acceptable and tie in satisfactorily with the rest of the scheme. The use of materials and landscaping proposals should be of a high quality, subject to clarification of the proposed changes in levels across the site under phase one and a protection plan for the existing trees. It is important that the proposed landscaping scheme would complement the hotel development, currently being erected and maintain the character of the surrounding area.

The small reduction in the footprint of the building to the west elevation would result in a lesser scale of development, although it would not significantly alter the overall scale and massing. The building would be similar in appearance to the original and is still considered to be of

appropriate scale and design for this location. In the city centre context the building would not appear over dominant or out of keeping with the surrounding streetscene. The tallest section of the building faces towards the Inner Ring Road and does not conflict visually with the neighbouring townscape. The building, which has approval, would integrate successfully into the townscape in this part of the city centre and the proposed alterations to the size of the building would have a similar impact. A tall building in this location would contribute to the skyline between, rather than conflict with the historic towers of the Cathedral and St. Mary's Church.

The proposed amendments to this significant development would be minor in nature and would not alter its overall impact on the surrounding streetscene. The local amenities of nearby residential properties would be no more affected than under the original scheme. The revised proposal would be of a high quality design, fitting in successfully in this prominent city centre location. It is recommended that this scheme be approved.

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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 mixed use commercial and residential development would introduce appropriate uses into the city centre, would protect the setting of nearby listed buildings and the World Heritage Site and would be in keeping with the character and appearance of the surrounding streetscene.

11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 20 (landscaping scheme – before the hotel is brought into use)
3. Standard condition 22 (landscaping maintenance – Condition 3)
4. Standard condition 30 (hardsurfacing)
5. Standard condition 38 (drainage scheme – before development commences on the apartments)
6. Standard 101 (tree protection - revised condition)

7. Details submitted under Condition 2, shall include precise details of treatment of the public open space, including area currently occupied by subway, where it adjoins the proposed courtyard on the development, to incorporate details of ground levels, layout, planting and hard surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority.

8. Standard condition 67 (disabled access facilities)
9. Standard condition 98 (Travel plan)

10. The gradient of the proposed vehicular access shall not exceed 1:10 for the first 10 metres from the highway boundary.

11. Before development commences on the apartments, further precise details of a mitigation strategy for minimising exposure to excessive noise levels to the outdoor spaces of the apartments shall be submitted to and approved in writing by the Local Planning Authority.

12. Before the development is brought into use a proposed drop-off area to the north side of King Street, shall be implemented in accordance with precise details to include construction, siting and layout, as required by Condition 15 of approval Ref DER/09/07/01793, to be submitted to and approved in writing by the

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Local Planning Authority, and shall be implemented in accordance with these approved details.

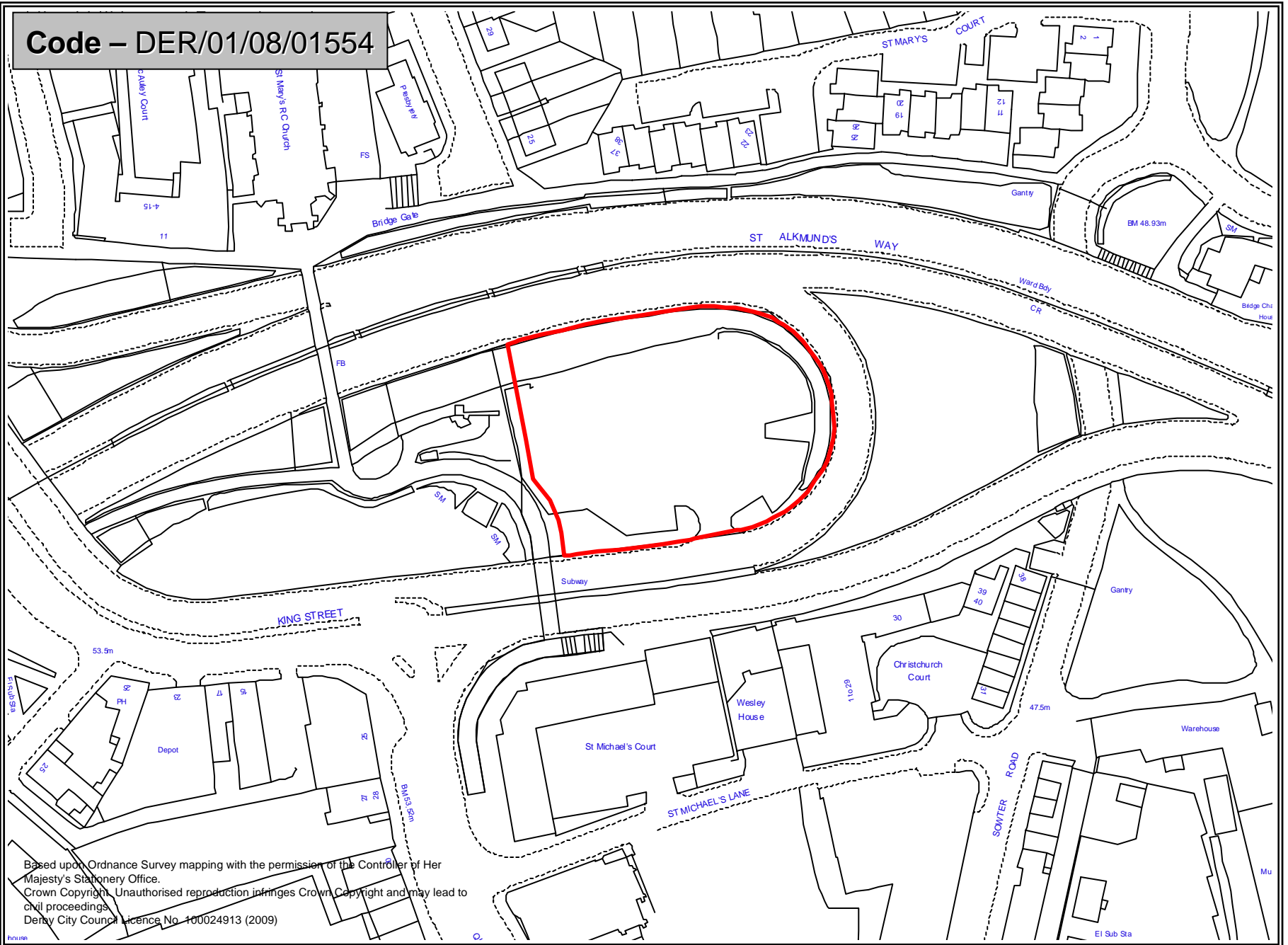
13. Standard condition 99 (recycling facilities – before the development is brought into use)
14. The car parking spaces to be provided in the basement of the hotel, prior to commencement of the apartment building, with the exception of the disabled persons spaces and the cycle parking, shall not be brought into use until the apartments, hereby approved, are occupied and those spaces shall at all times thereafter be available for use by occupiers of the apartments and not for hotel use.

11.4 Reasons

1. Standard reason E14...policy E23
2. Standard reason E09...policy E17
3. Standard reason E09...policy E17
4. Standard reason E21...policy E23
5. Standard reason E21
6. Standard reason E24...policy E17
7. To ensure that landscaping scheme integrates with the adjacent public realm, in the interests of visual amenity and public safety...policies 17 and E23
8. Standard reason E34...policy T10
9. Standard reason E47...policy T1
10. In the interests of highway safety.
11. To ensure provision of a satisfactory living environment for the residents...policy E12
12. In the interests of highway safety and to avoid comprising traffic flows on King Street...policy T4
13. Standard reason E48
14. The approved parking provision is safeguarded for the occupants of the residential use only to encourage trips to the hotel and associated uses by alternative modes of transport in the interests of highway safety...policies CC18 and T4

11.5 S106 requirements where appropriate: None.

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B1 APPLICATIONS (cont'd)

3 Code No: DER/05/08/00790

Type: Full

1. **Address:** Land between 9 and 11-15 Cornhill, Allestree, Derby
2. **Proposal:** Erection of one dwelling house
3. **Description:** This planning application relates to an existing brownfield site located along Cornhill within the Allestree Conservation Area. The site is located between No.9 and the row of terrace properties of which forms numbers 11, 13 and 15 Cornhill which are Grade II listed buildings. The site previously formed the garden area of number 13 Cornhill. However, the ownership of the dwelling house and this part of its garden area was split and subsequently sold as separate sites. The immediately surrounding streetscene is comprised of distinctly varied dwellings of different architectural styles and dissimilar building footprints.

The plot is rectangular and approximately 10.5metres wide and 39.0 metres in depth. There is an existing hard-standing area to the frontage which rises from the public footpath edge at a fair gradient. To the eastern boundary a conifer hedge extends partly along this boundary, together with a 1.8m fence to the edge of the boundary. The southern end of the site contains various ornamental trees, dense vegetation, as well as a Yew and Scots Pine tree. The western boundary contains 2.0m high close boarded fencing with various trees screening this boundary. At the curtilage boundary to Cornhill is a stone wall which traverses the street elevation. The entire stretch of the wall is likely to date from the original 17th Century thoroughfare of Cornhill. A telegraph pole is located to the west side of the main access.

Full planning permission is sought for the erection of a new dwelling house within the application site. It will be sited back from the frontage of the property to account for a hard-standing area for off-street parking provision for the neighbouring property No.13, as well as a new driveway to serve the new dwelling house. The dwelling will be located in a central position within the plot and will account for a large rear garden.

The design of the dwelling is essentially staggered in its footprint and is 2 storeys with the roof space utilised as living accommodation. Height to the ridge is 8.2m, the width 8.0m and overall depth of the dwelling 12.0m. There is a front projecting pitched roof gable end, which extends 0.5m at eaves level from the main body of the house. A double garage is attached to that gable end, reaching out 2.1m in front of the house. The gable extension to the rear is 4.6m wide and projects 3.5m.

B1 APPLICATIONS (cont'd)

3 Code No: DER/05/08/00790

With regard to access, it is proposed to widen the existing vehicular/pedestrian access to 5.0m, to accommodate the proposed car parking arrangement and to aid vehicular manoeuvrability. To achieve this, an area of the forecourt will be re-graded and, more significantly, a two metre section of the stone boundary wall abutting the public footpath would be removed. It is proposed to re-use the stones removed to construct a pier to buttress the end of the main wall fronting the application site. In terms of provision for off-street parking, three spaces would serve the proposed dwelling aligned with the double garage. Also, abutting the west boundary of the application site would be one additional car parking space for No.13 Cornhill. It is also proposed to relocate the telegraph pole at the applicant's expense to improve vehicular/pedestrian visibility.

4. **Relevant Planning History:** A small single storey asbestos garage was located within the application site, but this has since been demolished. A Conservation Area Consent application was submitted retrospectively (DER/05/08/00791) but was withdrawn in November 2008.

An application for works to various trees was granted in April 2006 under (Code No. DER/02/06/001305) in April 2006. The proposal involved the felling of 1 Pine tree, 1 Malus Prunus tree and 4 Pine stumps within the site. The works were considered to be acceptable since the trees were of insufficient quality to be retained.

5. **Implications of Proposal:**

5.1 **Economic:** None.

5.2 **Design and Community Safety:** The dwelling would not result in an adverse impact on the setting of the listed buildings No's 11-15. No objection in principle to layout and design, subject to conditions. The success of the traditional design will depend on detailing and architectural features.

5.3 **Highways:** The parking and access provision would be acceptable.

5.4 **Disabled People's Access:** The dwelling will have a degree of accessibility through compliance with Building Regulation guidance.

5.5 **Other Environmental:** None.

B1 APPLICATIONS (cont'd)

3 Code No: DER/05/08/00790

6. Publicity:

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

7. Representations: Eight letters of objection have been received and one letter of comment in respect to the original scheme. Copies are reproduced in the Members' rooms. The main issues raised are as follows:

- Increased traffic/parking problems
- Would create hazardous access onto Cornhill
- Dwelling out of keeping with the character of the area in scale, height, layout and design
- Against conservation area policy
- Concern with potential for overlooking and loss of privacy between the new development and No's 9,11,13 and 15 Cornhill
- Overbearing massing affect and loss of light to No's 13 and 15
- Loss of section of wall detrimental to local townscape.

The letter of comment highlights the importance of type of external materials used and the proposed dwelling's final appearance.

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

8. Consultations:

Environmental Services (Trees) – Requested more arboricultural information (subsequently submitted). Concerns with the juxtaposition between tree T6 and the proposed dwelling - possible pressure to fell/prune tree due to its close proximity.

CAAC - No objection to the proposed new dwelling house subject to the use of appropriate materials but the Committee expressed the view that the vehicle hard-standing to the fore of the new dwelling should be reconsidered to both minimise its visual impact and also to minimise the surface water run-off. The amended version has not been referred back.

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

B1 APPLICATIONS (cont'd)

3 Code No: DER/05/08/00790

- Policy E9 - Trees
- Policy E10 - Renewable Energy
- Policy E18 - Conservation Areas
- Policy E19 - Listed Buildings and Buildings of Local Importance
- Policy E23 - Design
- Policy GD4 - Design and the Urban Environment
- Policy GD5 - Amenity
- Policy H13 - Residential Development – General Criteria
- Policy T4 - Access, Parking and Servicing

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

10. **Officer Opinion:** This application proposal has been revised since the originally submitted scheme in July 2008, with a view to improving the layout and design of the proposed dwelling. The drawings dated 9 February 2009 are the plans for consideration.

The main policy issues are the ability of the proposal to create a satisfactory form of design of development, particularly taking into account its location in a Conservation Area and high quality living environment. The principle of residential development on the site is considered to be acceptable since it relates to an existing brownfield plot of land, within the defined settlement boundaries and is considered acceptable in line with policy H13. The site is large enough to accommodate a new dwelling house in principle; however, the material considerations are the physical massing, design and materials of the new dwelling house as well as the impact upon the local streetscene to Cornhill and its wider setting in terms of the Allestree Conservation Area. Another important consideration is the impact of the proposed dwelling house upon the neighbouring residential properties.

Broadly, there is potential for improvement of the rhythm of the street scene and quality of the townscape by providing a dwelling in this location, orientated to front Cornhill. The proposed site layout plan indicates that the proposed building footprint will sit approximately 4.0m behind the existing line of buildings to the southern side of the street, and the garage, which will project forwards of the dwelling house, will be 1.4m behind this line which would be relatively consistent to the building line to the street. This sits relatively well within the urban fabric in this area and would not appear to interrupt the step forward in buildings beyond this site in a westerly direction along the street.

B1 APPLICATIONS (cont'd)

3 Code No: DER/05/08/00790

The building footprint is an appropriate form of development in this case and sits well within the plot and does not appear cramped on the space. In the case of the rear extension, this is comparable to that of number 19 Cornhill and is generally considered acceptable.

The front facing gable reduces the depth by one metre and breaks up the mass of the building from the perspective of the nearby listed buildings. On the other hand, it might be perceived as not blending in as well with the layout of the houses it will read closest with, especially No.9 Cornhill. However, there is a mix of styles in the area and no one established architectural form from which to make reference. For this reason, the dwelling would be commensurate within the streetscape and, therefore, in keeping with the character and form of this part of Cornhill.

In conclusion on these points, I consider that the proposed dwelling house is of a reasonable scale, form and massing. This is now considered acceptable, after revisions and greater thought to the design of the dwelling in light of previous advice. In relation to the adjacent property No.9, I am of the opinion the proposed dwelling would 'visually read' quite well to it and not be unduly incongruous and unbalanced when viewed from various vantage points within the street scene. Indeed, the new dwelling will sit at the same height to that of the neighbouring property; No. 9 which it will be viewed in context against.

In respect of the architecture of the proposed dwelling the design of the main part of the dwelling house appears fairly balanced and poised appearance by virtue of its regularity of three bays to the front facing gable and its proportioning which expresses verticality. Also an attempt is made to reflect some of the traditional design details within the village, including segmental brick window arches and exposed rafter ends and a feature chimney stack. In terms of the design of the other elevations, they will not be visible within the streetscene and as such appear more subservient to that of the front elevation. In relation to the western elevation, the number of windows has been reduced adding positively to the appearance of the dwelling.

Particular attention has been taken regarding the design of the proposed dwelling bearing in mind its location in the Conservation Area and its proximity to the listed building, which is twelve metres away. In respect of the neighbouring listed buildings, number 11-15 Cornhill, and taking into account the scale, height and design of the proposed dwelling it is considered that it would not affect the character and setting of the building when viewed from an eastern direction of Cornhill. I consider that the relationship between the new dwelling and

B1 APPLICATIONS (cont'd)

3 Code No: DER/05/08/00790

11-15 Cornhill would be acceptable and that there would not be any material loss of privacy, loss of light or harmful effects of massing for these properties. Accordingly, it is considered that the proposal is accords to the provisions of Policy E18 and E19 of the Local Plan.

However, to preclude impact from a side facing stair case window. Facing the listed cottages a condition is suggested requiring obscure glazing to this and the side facing bedroom window in the gable facing no.9.

The side elevation of No. 9 Cornhill has no habitable room windows and the extension will not project past the 45 degree line from habitable room windows to the rear of this property.

The dwelling house will be located to the side of this property and so will not result in any adverse overbearing and massing effect. The proposal will have no other undue material impact upon No. 9 Cornhill.

With regard to the widening works of the access, which removes a two metre section of the original stone wall , the alterations would not detract materially from the overall historic visual appearance of the stone wall and is ,therefore, acceptable in conservation terms.

The application site contains a handful of trees to the south end of the site which are to be retained. A suitably placed tree protection measure would adequately barrier the trees' Root Protection Area from the proposed dwelling. Beyond the west boundary, located in the rear garden of No.11 Cornhill, is a mature Eucalyptus tree (T6). It is 14metres in height, of fair health and condition and visually prominent in the street scene. Whilst the tree is not within the curtilage of the application site and not protected by a Tree Preservation Order, its proximity to the proposed dwelling is still a material consideration. I am of the opinion that from information submitted and the views of the Council's Arboricultural Officer that there will be a suitable juxtaposition between the Eucalyptus tree (T6) (in terms of Root Protection Area and canopy spread) and the proposed position of the dwelling.

In conclusion, I consider that the proposal does not have a material impact on neighbouring properties, is acceptable in design and conservation terms and accordingly reasonably satisfies the requirements set out in the relevant local plan policies of the adopted CDLPR.

11. Recommended decision and summary of reasons:

B1 APPLICATIONS (cont'd)

3 Code No: DER/05/08/00790

11.1 11.1 To grant full 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, including a previously approved permission in relation to the same site, and it would be an appropriate form of development.

11.3 Conditions

1. Standard condition 13: The garage shall be used only for the storage of private motor vehicles and other purposes incidental to the enjoyment of the dwelling house and shall not be used for or in connection with any trade or business.
2. Standard Condition 27: Details of all external materials shall be submitted to and be approved in writing by the Local Planning Authority before development is commenced.
3. Standard condition 09A: This permission relates solely to the application as amended by the revised plans received on 09/02/09.
4. Standard condition 104: The construction of the dwelling shall have full regard to the need to reduce energy consumption and a scheme shall be submitted and approved in writing by the Local Planning Authority, to demonstrate what measures are proposed before the development is commenced. The approved scheme shall be implemented in its entirety before the approved dwelling is occupied.
5. Standard Condition 80: Before any work is carried out, further precise details of the window(s) and door(s) and joinery details, at a scale of 1:10 or 1:20, shall have been submitted to and approved in writing by the Local Planning Authority.
6. Unique Condition 1: The gradient from the highway boundary up to the footing of the proposed double garage shall be decreased to no more than 1 in 15, as per the Access and Design statement. The access/egress from the proposed new dwelling shall be hard surfaced for a distance of 5m before first use of the property.
7. Unique Condition 2: Before first use of the development hereby permitted, drainage shall be provided within the site, in

B1 APPLICATIONS (cont'd)

3 Code No: DER/05/08/00790

accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, such that surface water does not drain into the public highway and thereafter shall be so maintained.

8. Standard Condition 28: During the period of construction works all trees hedgerows and other vegetation to be retained shall be protected in accordance with BS:5837:1991 ("Trees in relation to construction").

11.4 Reasons

1. Standard Reason E28: To protect the amenities of nearby residential properties, in accordance with Local Plan Policy GD5.
2. Standard Reason E14: To ensure a satisfactory external appearance of the development in the interest of visual amenity, in accordance with Local Plan Policies E18 and E23
3. Standard Reason E04: For the avoidance of doubt.
4. Standard Reason E51: There are opportunities to incorporate renewable energy features in the development, such as solar panels and/or wind turbines and include water conservation measures, which will help to reduce energy consumption, reducing pollution and waste and in accordance with Local Plan Policy E10
5. Standard Reason E14: To ensure a satisfactory external appearance of the development in the interest of visual amenity, in accordance with Local Plan Policies E18 and E23.
6. Standard Reason E19: To stop surface detritus from leaving the site onto the highway, in the interests of traffic safety, in accordance with Local Plan Policy T4
7. Standard Reason E19: To reduce the possibility of surface water from the site being deposited in the highway, in the interests of traffic safety, in accordance with Local Plan Policy T4.
8. Standard Reason E24: To protect trees and other vegetation on and adjoining the site during the course of construction works in

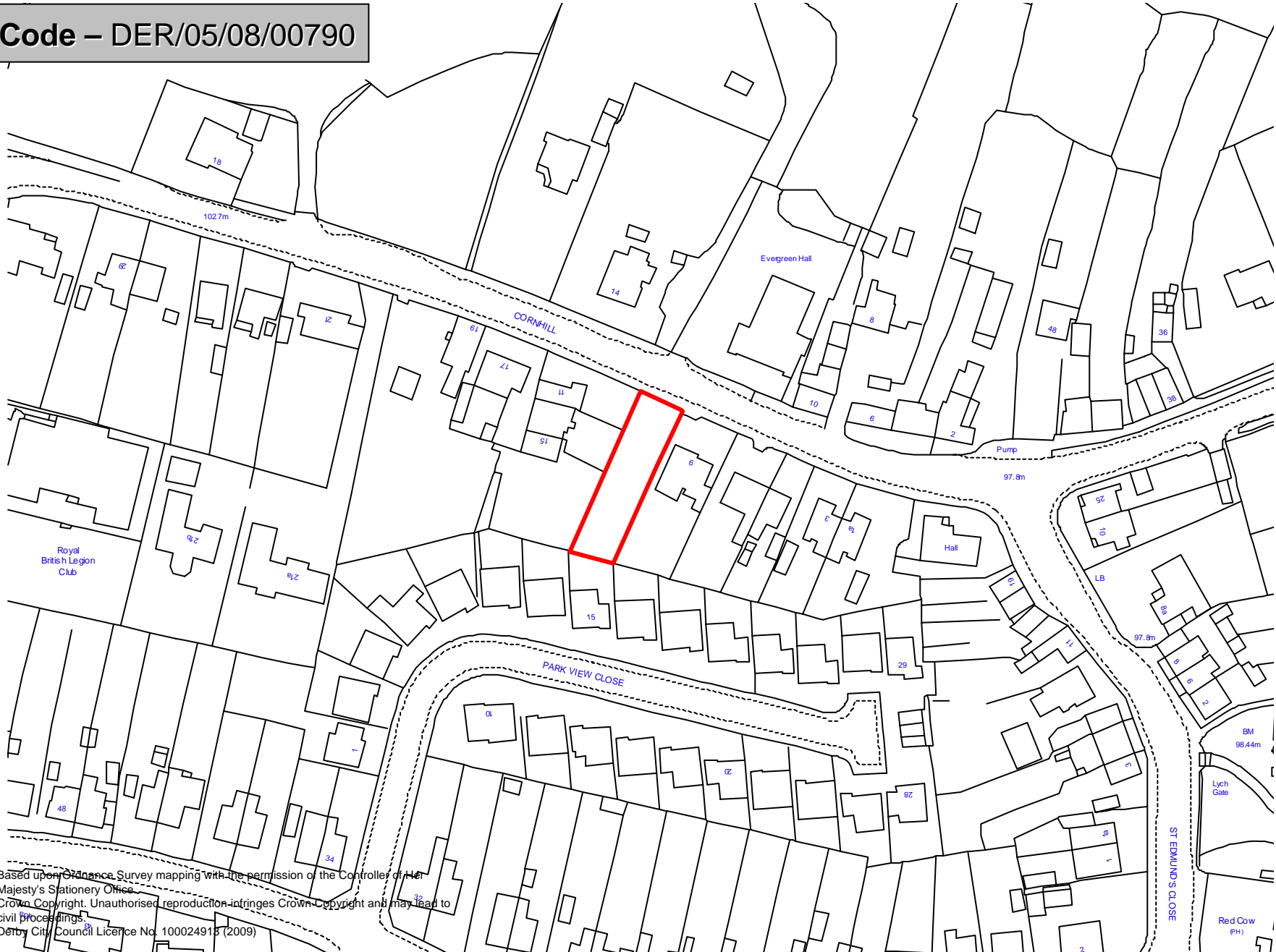
B1 APPLICATIONS (cont'd)

3 Code No: DER/05/08/00790

order to preserve the character and amenity of the area , in accordance with Local Plan Policy E9.

11.5 S106 requirements where appropriate: None.

Code – DER/05/08/00790



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B1 APPLICATIONS (cont'd)

4 Code No: DER/11/08/01588

Type: Full

1. Address: 4 Cavan Drive, Chaddesden, Derby
2. Proposal: Change of use from retail (Use Class A1) to Hot Food Takeaway (Use Class A5)
3. Description: This application is a revised application that has been refused for change of use to A5 Use a number of times in the past as shown in the history section. The applications have been refused for a number of reasons based on policy grounds and concerns regarding significant loss of residential amenity for the flats above the units. The last two applications had been refused solely on the basis of loss of amenity from the extraction/ventilation system which would be required to serve the hot food use.

The unit is currently a vacant (A1) retail unit in the centre of a short shopping parade on Cavan Drive, Chaddesden. The shop has been vacant for approximately 3 years and adjoins a pub, which is also boarded up, and a convenience store. The parade has a general rundown and neglected appearance. There is a large car park to the forecourt and 2 flats above the retail units.

Further to the last refusal an appeal was lodged and the Inspector dismissed the application. The Inspector was concerned that the fume extraction system would be likely to create noise in the close vicinity of the apartment's window and door, above the proposed take away unit. The Inspector had also raised concern regarding the possible difficulties arising from the operation of the hot food shop with its front door beneath the same flat. It had been considered that the proposed extraction flue could result in a significant visual intrusion alongside the rear window of the flat where it would project into the limited private amenity space on the access balcony. It had, however, been noted that subject to good design and implementation, the refurbishment and re-use of the building would be likely to improve the appearance of the property.

4. Relevant Planning History:

DER/08/07/01606 - Change of Use from retail (Class A1) to hot food takeaway (Class A5) – Refused, October 2007 (Delegated). It had been considered that the external flue would have resulted in an unacceptable impact on neighbouring residents in the flats above and inappropriate by way of size and design.

DER/06/07/1090 - Change of Use from retail to hot food shop (Class A3) to hot food shop (Class A5) – Refused, August 2007 (Delegated). The elevation drawings had not been provided, however, the proposed

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/08/01588

external flue had been felt to be unacceptable by way of detrimental impact on neighbouring residents in the flats above.

DER/03/05/00389 - Change of Use from retail to hot food shop (Class A3) to hot food shop (Class A5) – Refused, May 2005 (Delegated). The proposed use had been considered to be contrary to previous policies S20 and S14 due to the inappropriate loss of an A1 Use. Unacceptable loss of amenity for flats above and unacceptable flue design. Applicant felt that the unit would be difficult to let as an A1 Use.

DER/05/03/00866 - Change of Use from retail to hot food shop (Class A3) to hot food shop (Class A5) – Refused, June 2003 (Delegated). The proposed use is considered to be contrary to previous policies S20 and S14 due to the inappropriate loss of an A1 Use. Unacceptable loss of amenity for flats above and unacceptable flue design.

DER/292/168 - Change of use of part to hot food shop and installation of new shop front – Refused, April, 1992 (Delegated). The proposal had been considered to result in an adverse impact on neighbouring residents and contrary to relevant planning policy at this time.

5. Implications of Proposal:

5.1 Economic: I am satisfied that the loss of the A1 shop use would not be detrimental by way of viability and vitality to the shopping area as there is a convenience store adjacent to the unit.

5.2 Design and Community Safety: The flue has now been redesigned to be provided internally and will no longer ,therefore, be highly visible in the street scene.

5.3 Highways: Sufficient parking facilities are provided with the car park to the front of the unit

5.4 Disabled People's Access: No comment.

5.5 Other Environmental: No comment.

6. Publicity:

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

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/08/01588

7. **Representations:** Two letters of objection have been received from the same household raising concerns regarding potential increase in litter, smells, highway safety and anti-social behaviour.

Copies of letters of objection are attached.

8. **Consultations:**

Environmental Services - No objection to the principle however noise and odour nuisance can only be fully assessed once operational.

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

GD5 - (Amenity)
S7 - (Conversion of shop)
S12 - (Food and Drink Uses)
T4 - (Access and Parking)
T10 - (Access for Disabled People).

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

10. **Officer Opinion:** The policy issues relating to the introduction of an A5 use in a non designated retail centre have previously been addressed on the two most recently refused applications. It has been accepted that a hot food use in this location would not undermine the viability or vitality of factors, which have been identified allowing for policy S12 to be satisfactorily addressed. The presence of the existing convenience store adjacent to the unit and the considerable amount of time this unit has been vacant would allow for the loss of an A1 unit in this location. The unit would not therefore, amount to an unacceptable loss of local shopping facilities.

In relation to residential amenity it has been agreed with the applicant that a condition is added to ensure the hot food takeaway is restricted to close at 10:30pm in order to restrict the possible disturbance to the residential flats above.

In relation to the proposed ventilation system, after extensive consultation with Planning Officers and Environmental Health Officers, the revised scheme shows the extraction system to run through the building and out above the flats rather than running externally where it had previously been considered to be highly visible and disruptive to the amenity of those residential flats. The extraction system has been designed to pass through the floor between the ground floor unit and the upper floor flat. The existing bathroom of the lower flat is to be

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/08/01588

subdivided to create a new toilet and shower room with a dedicated area provided with suitable fire protection and noise insulation created to house the flue. Silencer systems will be installed to reduce noise levels of the output preventing the noise from creating a disturbance to close neighbours. This revised design shows the flue discharging above the roof of the flats where it would not be highly visible in the street scene being only 500mm above roof height. Cooking fumes are discharged at high speed vertically to clear them from the local area to avoid a nuisance to nearby residents and a high filtration system is to be used. Taking these amendments into consideration, I am satisfied that Policies S12 and GD5 can now be met by the proposal.

Two objections have been received from concerned neighbours. With regard to the increase of litter a condition is recommended to ensure the applicant provides a litter bin facility. In relation to odours I am satisfied that the amendments to the extraction system are satisfactory to overcome this issue. In relation to the possible increase in antisocial behaviour this cannot be addressed by the Local Planning Authority. In relation to road safety issues, I am satisfied that highway safety would not be compromised by this proposal however, a condition is to be added to ensure the applicant provides a cycle hoop for customer use.

Overall it is felt that the proposal is acceptable and general amenity will not be unreasonably affected. Although two representations have been received as a result of the neighbour consultations I am satisfied that the issues that can be controlled by the Local Planning Authority have been addressed. The proposal now shows that the revised scheme reasonably satisfies the requirements of local plan policies set out in the City of Derby Local Plan Review and as such a recommendation of conditional planning permission is made.

11. Recommended decision and summary of reasons:

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

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

B1 APPLICATIONS (cont'd)

4 Code No: DER/11/08/01588

11.3 Conditions

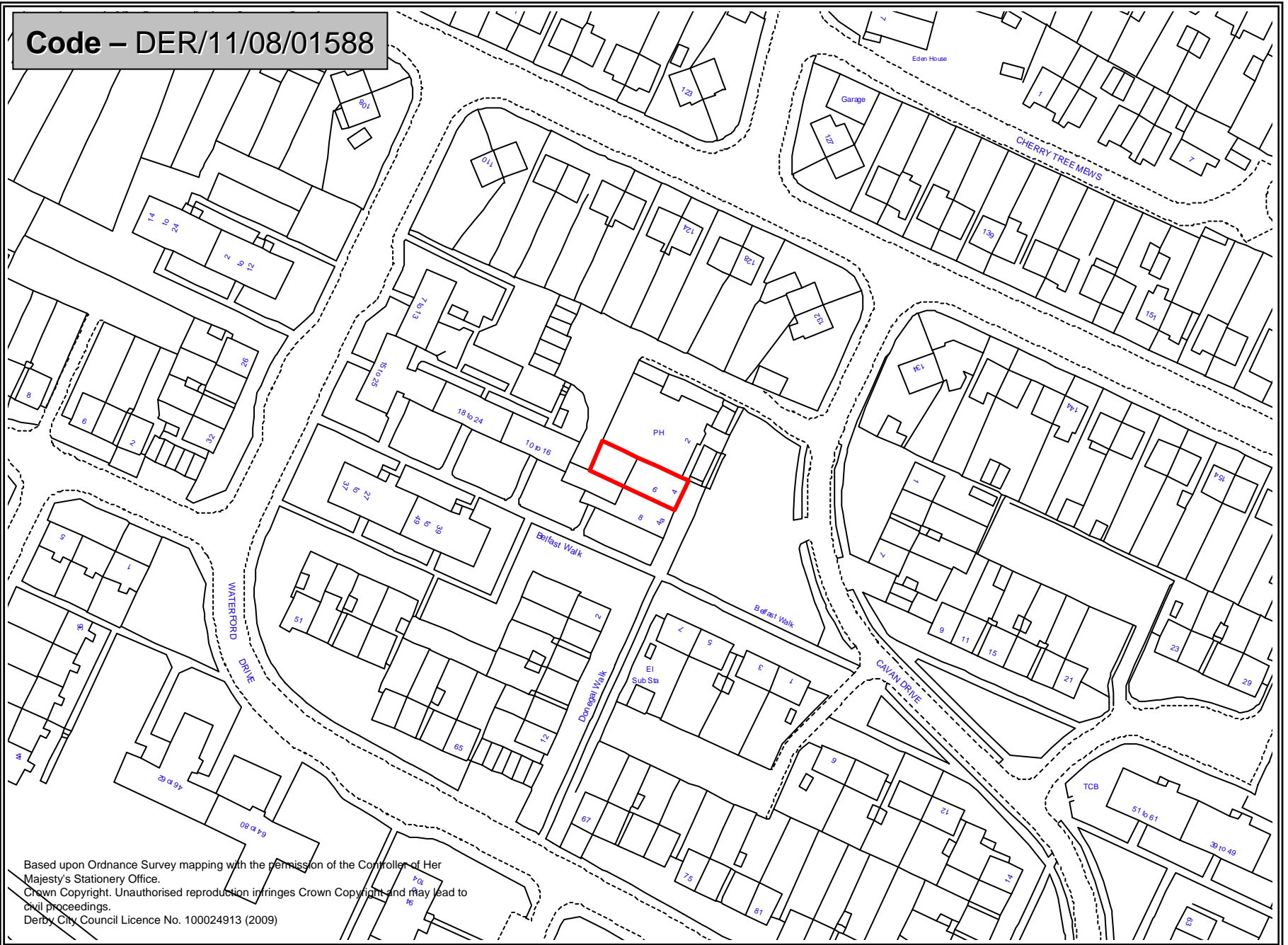
1. Opening hours shall be limited to 08:30 to 22:30 Monday to Sundays both in respect of direct sales and the dispatch of orders.
2. The development shall not be taken into use until details of cycle parking provision have been submitted to and agreed in writing by the Local Planning Authority and until such provision has been implemented.
3. Litter bins shall be provided prior to the opening of the hot food takeaway, and retained as such in perpetuity.

11.4 Reasons

1. To preserve the amenities of adjacent residential properties...policy S12
2. To meet the parking needs of the development, to encourage and provide for varied means of transport to the site and in the interests of environmental amenity...policy T4
3. To preserve the amenities of the area...policy S12

11.5 S106 requirements where appropriate: None.

Code – DER/11/08/01588



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B1 APPLICATIONS (cont'd)

5 Code No: DER/01/09/00031

Type: Full

1. **Address:** 2 Cornhill, Allestree
2. **Proposal:** Installation of windows to front elevation
3. **Description:** This application relates to a traditional end terraced cottage on Cornhill, Allestree. It is a two storey, rendered property, which lies on the north side of the road, opposite the junction with St. Edmunds Close. The property is within the Conservation Area and covered by an Article 4 Direction.

It is proposed to replace all the front windows of the dwelling, which are currently modern casement style timber openings. They include a bow window to the ground floor bay. The replacement windows would be double glazed timber casement units, to be painted white. The windows would be of a traditional design, with small top hung openings and larger side openings below. All would directly replace the existing, except for the ground floor bay, where an existing doorway would be infilled and a larger window installed in its place.

The proposal is to be considered by the Committee, because the applicant is the Director of Regeneration and Community.

4. **Relevant Planning History:** None.
5. **Implications of Proposal:**
 - 5.1 **Economic:** None.
 - 5.2 **Design and Community Safety:** The proposed replacement windows would be of a sympathetic design and materials, in keeping with the character and period of the existing dwelling and other dwellings in the terrace.
 - 5.3 **Highways:** None.
 - 5.4 **Disabled People's Access:** None.
 - 5.5 **Other Environmental:** None.
6. **Publicity:**

Neighbour Notification letter	3	Site Notice	
Statutory press advert and site notice	Yes	Discretionary press advert and site notice	
Other			

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/09/00031

7. **Representations:** None received to date.
8. **Consultations:** CAAC – No objection subject to details of the window being further negotiated.

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

- GD4 - Design and the urban environment
- E18 - Conservation Areas
- E19 - Listed buildings and buildings of local importance

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 window units would replace some mock-casement openings, which are clearly modern additions to the period dwelling. The existing windows are out of keeping with the style and character of the dwelling, which has a prominent position in the Conservation Area. The new timber casement windows would be more in proportion with the openings and reflect the traditional appearance of the cottage. The design and appearance of the units would be acceptable for this type of building. They would also be similar in general appearance to the windows of the adjoining terrace and other properties in the locality. The detailing of the window joinery is being further negotiated with the agent, to achieve more satisfactory proportions. Any amended plans received will be reported to the meeting.

The proposals to reinstate the traditional style of windows to the front elevation would represent an enhancement of the overall character of the dwelling. Due to the prominent location of the property, the proposed alterations would also improve the appearance of the local streetscene and character of the Conservation Area. The works would accord with the provisions of Policy E18 and GD4 and are therefore considered to be acceptable.

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

11.1 **To grant** permission with conditions.

11.2 **Summary of Reasons:** The proposal has been considered in relation to the provisions of the City of Derby Local Plan Review and all other material considerations as indicated in 9 above. The proposed alterations to the dwelling preserve the appearance and character of the Allestree Conservation Area and maintain the visual amenities of local streetscene.

B1 APPLICATIONS (cont'd)

5 Code No: DER/01/09/00031

11.3 Condition

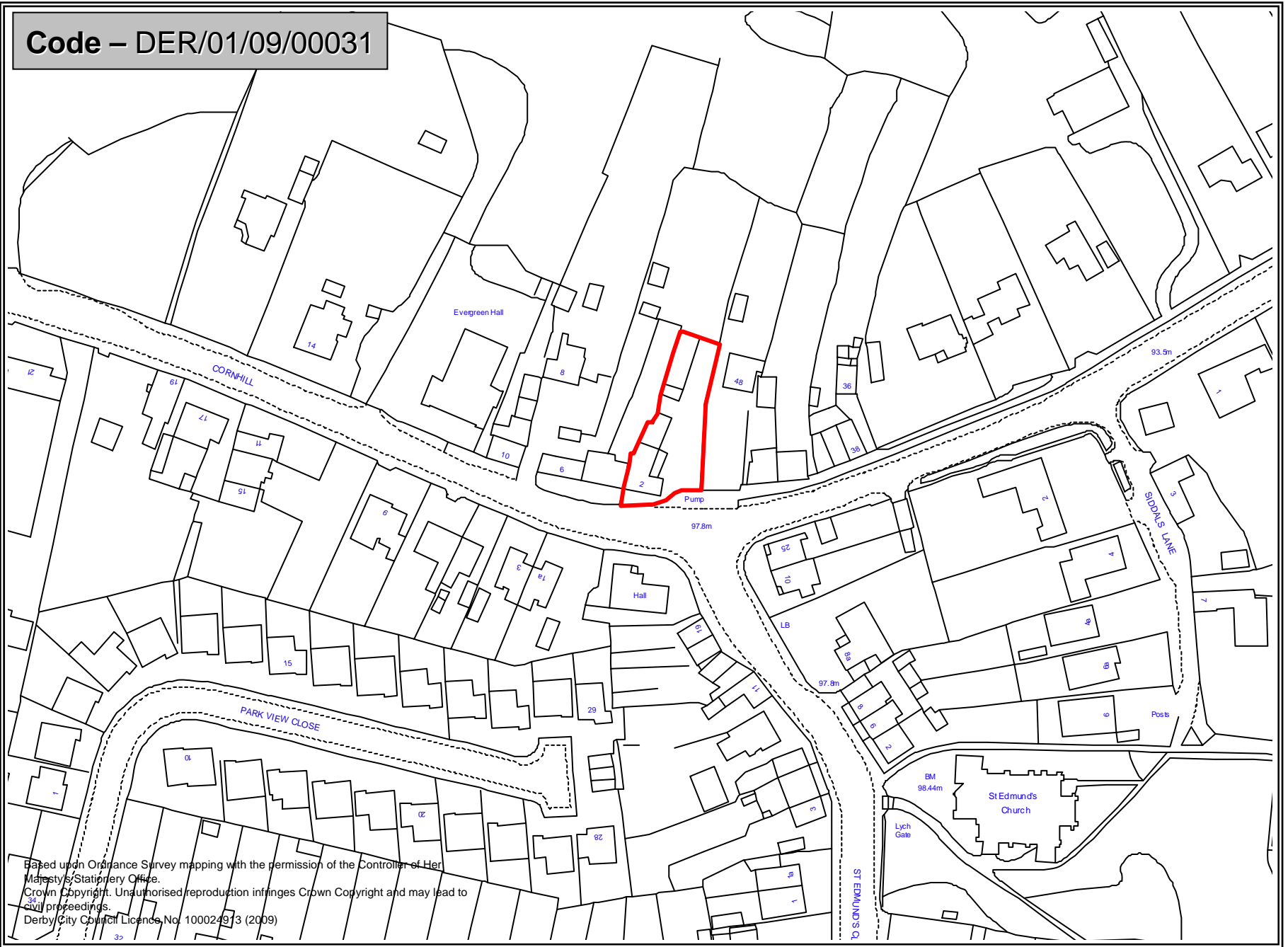
The development shall be implemented in accordance with the details indicated on the submitted drawing no. 08044.01, unless otherwise agreed in writing by the Local Planning Authority.

11.4 Reasons

Standard reason E04.

11.5 S106 requirements where appropriate: None.

Code – DER/01/09/00031



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B1 APPLICATIONS (cont'd)

6 **Code No:** DER/12/08/01731&
DER/12/08/01732

Type: Full and
Conservation
Area Consent

1. **Address:** Garage Block (8no.) off Elms Street (rear of 49-55 Kedleston Road)
2. **Proposal:** Demolition of garages and erection of three dwelling houses
3. **Description:** These applications relate to an area of approximately 0.03 hectares situated within the Strutts Park Conservation Area and the World Heritage Site Buffer Zone. The site is currently occupied by a block of 8 brick built garages and an area of associated hardstanding. Vehicle access into the site is provided off Elms Street.

The site is located within a mixed use area comprising both residential and commercial development. To the north are numbers 49-55 Kedleston Road, a block of modern two-storey flats. To the south there is a parking and turning court, beyond which, are further residential properties. To the east and west of the site are two large Victorian properties currently utilised as a veterinary practice and a care home. The outbuildings to the rear of number 57 Kedleston Road have been converted into residential use.

Conservation Area Consent is sought to demolish the existing garage block and planning permission is sought to erect three mews-style dwellings in their place. The proposed dwellings would be two-storey, measuring 7m at their highest point, with an asymmetric pitched roof design. Each property would have a single car parking space integrated within the building in an open coach-house style. The dwellings would be of brick construction, with slate roofs, timber windows and metal rainwater goods.

4. **Relevant Planning History:** Planning permission for the erection of the garage block was granted in 1957.
5. **Implications of Proposal:**
 - 5.1 **Economic:** Not applicable.
 - 5.2 **Design and Community Safety:** I raise no over riding objections to the design of the dwellings and no community safety issues are raised as a result of the proposal.
 - 5.3 **Highways:** The difference in the traffic generated between the existing garages and the proposed dwellings needs to be assessed, along with

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01731&
DER/12/08/01732

the provision of sufficient parking. Recycling/waste and cycle provision should not affect the use of the turning area.

5.4 Disabled People's Access: The dwellings will have a degree of accessibility ensured through Building Regulation control

5.5 Other Environmental: Not applicable.

6. Publicity:

Neighbour Notification letter	25	Site Notice	
Statutory press advert and site notice	Yes	Discretionary press advert and site notice	
Other			

7. Representations: I have received 4 letters of objection/comment to the planning application ref: DER/12/08/01731. The reasons for the objections are summarised below:

- the proximity of the dwelling to no's 49-55 Kedleston Road
- loss of daylight/sunlight
- overlooking/loss of privacy
- insufficient garden space
- Insufficient parking/increased congestion
- overbearing
- noise nuisance
- The development fails to meet the requirements of Local Plan Policy H13.

... Copies of the letters of representation are attached.

8. Consultations: CAAC – Raised no objection to the Conservation Area Consent Application, or the Planning Application, subject to Officer satisfaction on the details of the design.

9. Summary of policies most relevant: CDLPR policies:

- GD2 - Protection of the Environment
- GD3 - Flood Protection
- GD4 - Design and the Urban Environment
- GD5 - Amenity
- H13 - Residential Development – General Criteria
- E10 - Renewable Energy
- E18 - Conservation Areas

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01731&
DER/12/08/01732

- E11 - Recycling facilities
- E23 - Design
- E29 - Protection of World Heritage Site and its Surroundings
- T4 - Access, Parking and Servicing
- T7 - Provision for Cyclists
- T10 - Access for Disabled People

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

- 10. Officer Opinion:** Firstly to be considered is the acceptability of the proposed demolition and the impact this will have on the character of the Strutts Park Conservation Area. Secondly, the principle of the proposed residential development has to be considered, in particular, whether a satisfactory form of development can be created for future occupiers and whether the development would impact upon the residential amenity of neighbouring properties. Highway safety issues also have to be fully assessed, along with the provision of sufficient off-street parking and the impact of the proposed scheme upon the character of the Conservation Area and World Heritage Site.

The principle of the development

The application is not allocated for any particular use within the adopted City of Derby Local Plan Review, it is a brownfield site located within an established residential area and therefore, in principle, it is a suitable location for new residential development.

Impact on the streetscene/Conservation Area/World Heritage Site

In considering the acceptability of demolition, the contribution of the existing building to the character of the area has to be assessed. The garage block is a 1950's brick-built structure with corrugated metal roofs, of no architectural merit, which fails to contribute positively towards the character of the conservation area. Both the Conservation Officer and CAAC raise no objections to the demolition, and overall, I am satisfied that this element of the proposal would only offer a visual improvement within the streetscene.

I raise no objections to the proposed residential development on the grounds of visual amenity. In terms of their design, siting and scale, it is considered that the new dwellings would integrate satisfactorily with the established character of the area and would not impact upon the World Heritage Site, or the special character of the Strutts Park Conservation Area. The Conservation Officer supports the proposed development, in

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01731&
DER/12/08/01732

principle, as it will enhance the character of the Conservation Area. No objections are raised by CAAC. Precise details of materials and external joinery can be controlled by condition, to ensure that the details of the development respect the special character of the area.

Impact on neighbouring properties/living environment

The development would provide a distance of approximately 11.5m between the new dwellings and the rear elevation of the flats to the north (no's 49-55 Kedleston Road). This distance is insufficient to prevent significant overlooking between principal windows. To overcome this problem the agent has indicated that all the first floor windows within the northern elevation of the development will be obscurely glazed. Although this prevents any significant loss of privacy to the flats to the north, it would impact upon the internal living accommodation for future occupiers of the new dwellings, as the first floor bedrooms within the units would be served only by a single obscurely glazed window and a very small rooflight. Discussions are ongoing with the agent to revise the internal layout of the new dwellings and provide an acceptable solution. Members will be updated orally at the Committee meeting.

The southern elevation of the development overlooks the adjacent parking and turning area. The proposed dwellings would have three bedroom windows at ground floor level and six kitchen/lounge windows at first floor level, which face onto this area. Whilst the aspect of the ground floor second bedrooms is not ideal, I do not consider this to be sufficient grounds on which to refuse the application.

The separation distances (approximately 22m) provided between the proposed development and the properties to the south are considered to be adequate to ensure residential amenity is preserved. In addition, I am satisfied that the development would not have a significant impact on neighbouring dwellings, in terms of loss of daylight/sunlight.

The development fails to provide any dedicated private amenity space for the new dwellings. However, the site is located within 100 metres of public recreation space and as the residential units offer two bedrooms only, it is unlikely they will be occupied by families with children. In this instance, the lack of outdoor space is considered acceptable.

Parking/Highway Safety

The junction of Elms Street and Kedleston Road is heavily parked and a number of the objection letters received raise concerns over the loss of

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01731& DER/12/08/01732

the garages and the impact this would have on parking within the locality. It should be noted that the application site is in private ownership and, therefore, there is no guarantee that the land would be made available for garaging in the future. Whilst the loss of the garages is not ideal, it is considered that the Council would have an insufficient case to defend a refusal of the proposed scheme, based solely on the loss of vacant garages. There is a parking court to the south of the application site, which serves nearby residents, and the site is located in a sustainable area, well served by public transport.

The difference in traffic generation between the existing garages and the proposed dwellings needs to be considered, but clearly three dwellings would generate potentially fewer trips than the existing eight garages, or at least there would not be a material increase. I am recommending conditions concerning waste/recycling facilities and cycle storage facilities, which I feel can be accommodated on site without impacting upon the proposed turning area.

Although, ideally, a distance of 6 metres should be provided between the designated integral parking space and the site boundary wall, the proposed distance is the same as the present situation, which provides only 5.5m between the existing garage block and the northern site boundary. In view of this, I do not consider the proposal would be any more detrimental in terms of highways safety than the existing garage block.

11. Recommended decision and summary of reasons:

DER/12/08/01731

11.1 Subject to the resolution of issues in terms of the internal layout of the dwellings, **to grant** planning permission with conditions.

11.2 **Summary of reasons:** The proposal has been considered in relation to the provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 above. It is considered that the demolition of the garage block would visually enhance the character of the streetscene and the special character of the Strutts Park Conservation Area. Furthermore, the proposed residential development is an acceptable form of development in terms of siting, design and would not be detrimental to the Conservation Area or the World Heritage Site. The proposal would create a satisfactory living environment for future occupiers and would not adversely affect the residential amenity of neighbouring properties, or highway safety within the locality.

B1 APPLICATIONS (cont'd)

**6 Code No: DER/12/08/01731&
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11.3 Conditions

1. Standard condition 27 (external materials)
2. Standard condition 19 (means of enclosure)
3. Standard condition 20 (landscaping scheme)
4. Standard condition 22 (landscaping maintenance – condition 3)
5. Standard condition 30 (surfaces to be drained, surface etc)
6. Standard condition 38 (drainage and sewage)
7. Standard condition 95 (cycle parking)

8. Before development is commenced, detailed plans showing provision for recycling and waste facilities shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented in its entirety within an agreed timescale.

9. Standard Condition 13 (Garage – private use only)

10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no development falling within Classes A, B, C, D, and E of Part 1 of Schedule 2 to the Order, shall be erected, constructed or placed on any part of the land subject of this permission, unless planning permission has first been granted by the Local Planning Authority.

11. Before work is commenced, further precise details of the doors and windows, at a scale of 1:10 or 1:20, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details, and window and doors shall not be subsequently replaced with any alternative type without the prior written consent of the Local Planning Authority.

12. Before development is commenced, precise details of the type, size, materials and finish of the proposed rooflights shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflights shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing by the Local Planning Authority. Once installed the rooflights shall not be replaced with any alternative type without the prior written consent of the Local Planning Authority.

B1 APPLICATIONS (cont'd)

6 Code No: DER/12/08/01731&
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13. The first floor window in the north elevation of the dwellings shall be permanently glazed in obscure glass and shall remain as such for the life of the development.

14. Standard Condition 104 (energy consumption)

11.4 Reasons

1. Standard reason E14 ... policy H13 & E23
2. Standard reason E14 ... policy H13 & E23
3. Standard reason E09 ... policy E23
4. Standard reason E09 ... policy E23
5. Standard reason E21 ... policy GD3
6. Standard reason E21 ... policy GD3
7. Standard reason E35 ... policy T7
8. Standard reason E48 ... policy E11
9. Standard reason E16 & E28...policies GD5 & T4

10. To enable the Local Planning Authority to fully consider the effects of development normally permitted by that order in the interests of visual amenity and to ensure that sufficient parking provision remains to serve the development, in accordance with policies H13 & T4 of the adopted City of Derby Local Plan Review.

11. To safeguard the character and appearance of the Conservation Area...policy E18.

12. To safeguard the character and appearance of the Conservation Area...policy E18.

13. To safeguard the privacy of occupiers of the adjoining properties...policy GD5.

14. Standard reason E51...policy E10

DER/12/08/01732

11.1 To grant conservation area consent with a condition.

11.2 Condition

No demolition shall take place until a copy of a redevelopment contract has been submitted by the applicant or successors in title, to be agreed in writing by the Local Planning Authority, or unless a landscaping scheme for the application site has been submitted to and agreed in

B1 APPLICATIONS (cont'd)

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DER/12/08/01732**

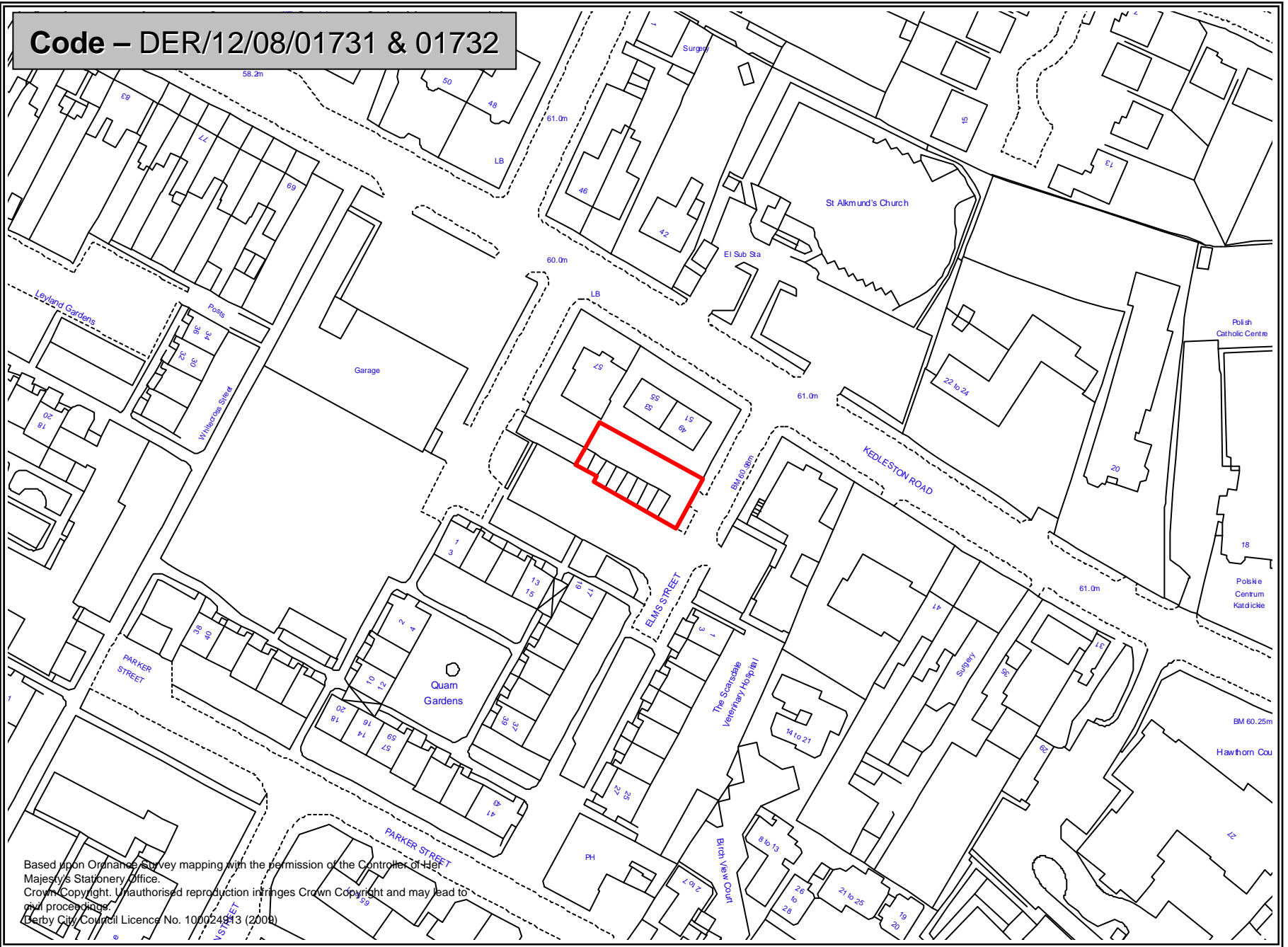
writing by the Local Planning Authority, together with an agreed timescale for implementation.

11.3 Reason

To protect the character and appearance of the Strutts Park Conservation Area and in accordance with policy E18 of the adopted City of Derby Local Plan Review.

11.4 S106 requirements where appropriate: None.

Code – DER/12/08/01731 & 01732



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B1 APPLICATIONS (cont'd)

7 Code No: DER/01/09/00086

Type: Full

1. **Address:** 16 Main Avenue, Allestree
2. **Proposal:** Extension to dwelling house (2 bedrooms, enlargement of kitchen/breakfast room, enlargement of existing bedrooms with en-suite and formation of bedroom in roof space with dormers).
3. **Description:** This application is being heard at Committee as the applicant is area ward member Councillor Dhindsa.

The application is for the erection of a two storey side extension adjacent to 2 Short Avenue and first floor side extension adjacent to 14 Main Avenue. A loft room with both front and rear dormers is also proposed and solar panels are proposed on the roof.

4. **Relevant Planning History:** DER/12/08/01701- Extension to dwelling house (bedroom, bathroom & formation of bedroom in roof space with dormers) & erection of detached garage- Withdrawn

5. Implications of Proposal:

5.1 Economic: No comment.

5.2 Design and Community Safety: No objections to the proposed design of all elements and I am satisfied there will be no community safety implications.

5.3 Highways: Although one highway space would be lost with the replacement of the integral garage I am satisfied there would be adequate parking space remaining to the front of the property.

5.4 Disabled People's Access: No comment.

5.5 Other Environmental: No comment.

6. Publicity:

Neighbour Notification letter	3	Site Notice	
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: No representations received.

8. Consultations: No consultations.

B1 APPLICATIONS (cont'd)

7 Code No: DER/01/09/00086

9. Summary of policies most relevant:

- GD5 - (Amenity)
- H16 - (Housing Extensions)
- E23 - (Design)

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

- 10. Officer Opinion:** The two storey side extension is proposed with a set back of 0.5m and a lowered roofline. Although a larger set back of 2m at first floor level would usually be requested I am satisfied that any terracing impact will be avoided due to the adjacent property at 2 Short Avenue being single storey and set at a different angle to 16 Main Avenue facing out onto Short Avenue. The two storey element of the proposal will be highly visible in the street scene however I am satisfied that provided a condition is added to request further details of materials the proposal will have an acceptable appearance. Although the development is to be two storey I am satisfied that there will be no subsequent massing or overshadowing of 2 Short Avenue and no windows are proposed on the side elevation therefore I am satisfied there will be no overlooking impact.

The first floor extension is also proposed with a 0.5m set back and lowered roofline and I am satisfied there will be no terracing impact as 14 Main Avenue is set at a higher level to 16 Main Avenue and there is a substantial distance between the two dwellings. As with the two storey extension the first floor extension will be highly visible in the street scene, I am again satisfied that provided materials are agreed by condition the proposal will have an acceptable appearance. Both the first floor and two storey extension will result in a balanced appearance of the existing dwelling and an acceptable alteration to the character of the dwelling. I am satisfied there will be no massing or overshadowing of 14 Main Avenue and there is only one window on the side elevation and as this is at ground floor level I am satisfied there will be no overlooking impact.

The proposed front and rear dormer windows are acceptable in size and appearance and the front dormer in particular will break up the dwellings frontage. Both the front and rear dormers are considered acceptable causing no impact by way of massing, overshadowing or overlooking.

Two solar panels are proposed on the roof of the side elevation adjacent to 14 Main Avenue in a discreet location. They will lie flat on

B1 APPLICATIONS (cont'd)

7 Code No: DER/01/09/00086

the roof and will not be highly visible in the street scene and they are considered to be acceptable.

Overall it is felt that the proposal is acceptable and amenity will not be unreasonably affected. No objections have been received as a result of neighbour consultations suggesting none of the neighbours has concerns relating to this proposal. The proposal reasonably satisfies the requirements of local plan policies set out in the City of Derby Local Plan Review 2006 and as such a recommendation of conditional planning permission should 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 provisions of the City of Derby Local Plan and all other material considerations as indicated in 9 above. The proposal is an acceptable form of development in siting, design and in residential amenity terms in this location.

11.1 Condition

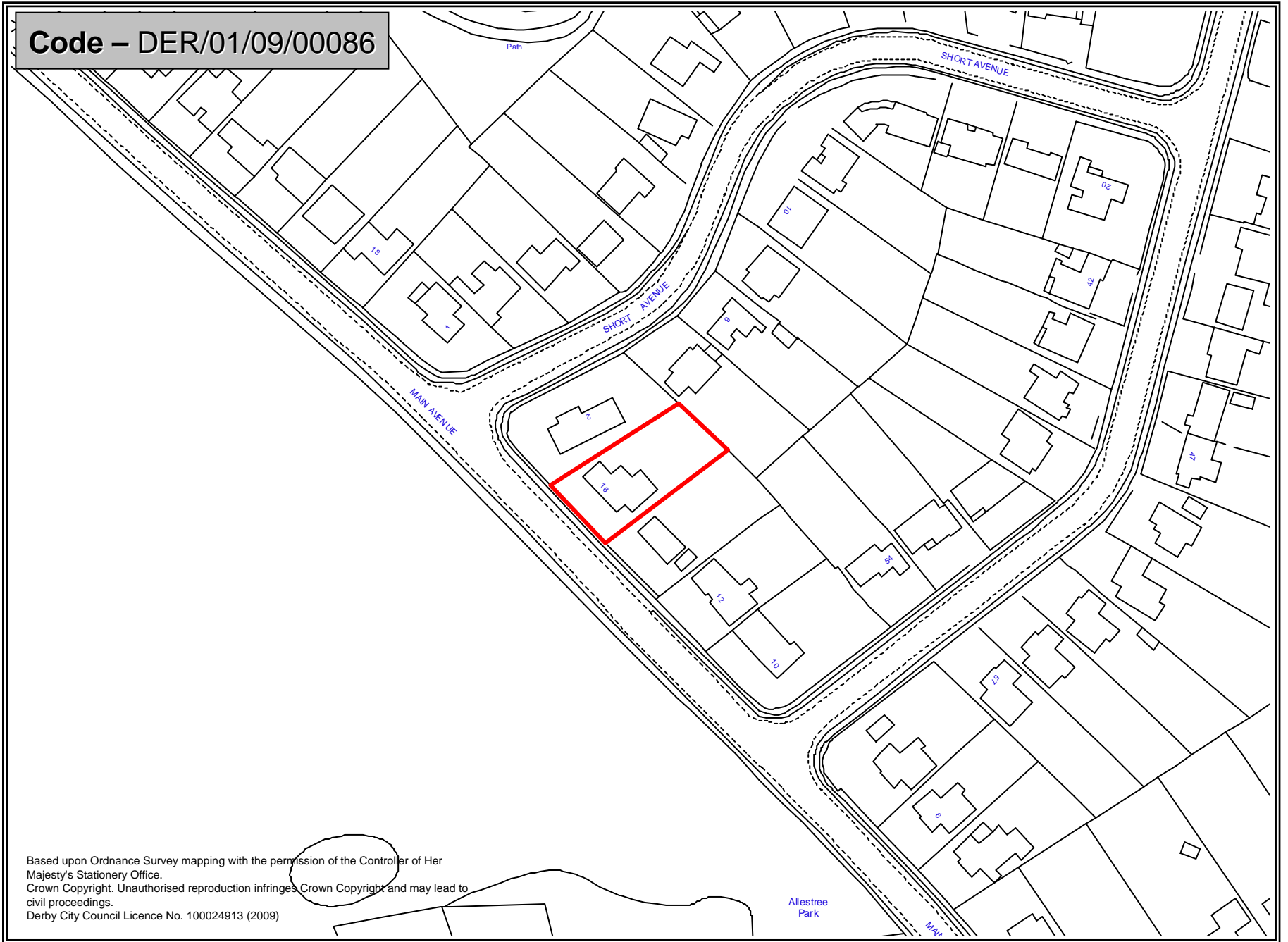
Notwithstanding any submitted information details of all external materials shall be submitted to and be approved in writing by the Local Planning Authority before development is commenced.

11.4 Reason

To ensure a satisfactory external appearance of the development in the interest of visual amenity and in accordance with Policy H16 of the adopted City of Derby Local Plan.

11.5 S106 requirements where appropriate:

Code – DER/01/09/00086



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Ailestree
Park

B1 APPLICATIONS (cont'd)

8 Code No: DER/12/08/01696

Type: Full

- 1 **Address:** Chellaston School, Swarkestone Road, Chellaston, Derby
2. **Proposal:** Extensions to School (changing rooms) and creation of all weather sports pitch and floodlighting.
3. **Description:** The application site is located within Chellaston School, Swarkestone Road, which is an established school site. The school occupies a site to the west of Swarkstone Road and is bounded by residential properties. The application site has been used to provide sports pitches for the school for a considerable period of time; the present layout was agreed under planning application DER/09/77/01223.

The existing school facilities consist of grass pitches and a caretaker's bungalow proposed for changing facilities. The existing displaced pitches will be re-sited within the curtilage of the school.

The site is located approximately 400 metres from the district centre of Chellaston and adjoins a public footpath, beyond which are the rear boundaries to residential properties, which front Swarkestone Road. The application site is irregular in shape and land levels are relatively constant.

Permission is sought for the creation of an all weather sports pitch, floodlighting and extensions to school buildings in the form of changing rooms. The floodlighting consists of the installation of 8 lighting columns measuring 12 metres in height. The columns are to be located on the South East and North West sides of the pitch at regular intervals.

The all weather pitch is to be located on the site of an existing series of playing pitches, which would be relocated following the development of this proposal. The proposed pitch is to be located to the South West of the existing school buildings and measures approximately 104 metres x 70 metres (external measurements) and is bounded by fencing for both security and ball retention measuring approximately 3.0 metres on both sides and 4.5 metres at both ends, with rebound panelling measuring approximately 1.2 metres from ground level being erected around the perimeter of the pitch.

The application proposes that this facility would be open Monday to Friday 0800 to 2130 and Saturday, Sunday and Bank Holidays 0800 – 1800.

B1 **APPLICATIONS** (cont'd)

8 **Code No:** DER/12/08/01696

The proposed extension to the bungalow to provide changing rooms and pavilion is to be located on its south elevation. The extension will accommodate four changing rooms with separate shower facilities, stores, officials changing facilities and club room space. The proposed

single storey extension measures approximately 4 metres at the highest point and approximately 3.6 metres at the lowest point.

The submitted Design and Access Statement, Noise Assessment, Arboricultural Survey, Protected Species Survey, and Transport Assessment set out in further detail the mitigation measures to be undertaken and the objectives of the School.

The siting of the all weather pitch is to be located on an existing grassed pitch; the use of the existing pitches could intensify without the need for a formal planning application therefore, in my opinion, this report and members should be considering the introduction of flood lighting, the all weather pitch and the extension to form the changing rooms.

4. **Relevant Planning History:** DER/09/08/01350 Application Withdrawn – Extensions to existing school (changing rooms) and creation of all weather sports pitch and floodlighting.

DER/09/77/01223 laying out of playing fields, tennis courts & erection of fencing - granted planning permission.

5. **Implications of Proposal:**

- 5.1 **Economic:** None.

- 5.2 **Design and Community Safety:** I am sympathetic to the application as these amenities would provide additional community facilities. In community safety terms the extension is well designed for its use with high level fenestration and minimal recesses. Issues with noise and light are common with this type of facility. The bunds do reduce some of the natural surveillance protection but on balance I cannot object to this proposal on Community Safety grounds with a 2m secure boundary and well designed extension and single point of access. In terms of Community Safety and as advised by the Police AOL it is felt that the hours of operation should be reduced to no later than 2100 hours to reduce the potential for noise nuisance and anti social behaviour.

- 5.3 **Highways:** There are no objections to this application on highway grounds and my colleague will be at the meeting to clarify any issues.

B1 APPLICATIONS (cont'd)

8 Code No: DER/12/08/01696

5.4 Disabled People's Access: an accessible route from the sports pitch to the changing rooms will be required. The accessibility of the changing rooms will be controllable by Building Regulation guidance.

5.5 Other Environmental: Comments provided from my colleague in Environmental Health with regards to noise and light pollution will be addressed under Section 8 "Consultation" of this report.

6. Publicity:

Neighbour Notification letter	168	Site Notice	Yes
Statutory press advert and site notice		Discretionary press advert and site notice	
Other			

7. Representations: At the time of drafting the report, 332 Letters of representation have been received 151 of which have been submitted in support of the application and 177 letters of objection. A petition has also been received against the application. A summary of the letters of support and objection is provided below:

Support

- Will provide opportunities for children, young people, pupils, the local community and sports clubs
- Good use of the land
- Increase the provision of sporting facilities in the Chellaston area in a safe environment
- A good facility for the school especially in wet weather conditions
- Encourage fitness and good health in the wider community
- Will deter people from socialising on the streets
- Increase partnership working between the school, local community and sports clubs
- Helps to develop skills for pupils and the local community
- There is a need for this type of facility in this locality
- The changing facilities are needed and will be of benefit to the school and all users.

Objections

- Will result in noise and disturbance to residential properties
- Proposal is in close proximity to residential properties and will result in a loss of their outlook

B1 APPLICATIONS (cont'd)

8 Code No: DER/12/08/01696

- The hours of operation are too late and will impact on the amenity of adjacent residential properties
- Issues relating to the consultation process carried out by the Local Planning Authority
- Use of floodlighting will impact on adjacent properties
- It is alleged that the process used by the school to gain support is underhand and immoral
- Use of alcohol and music at the proposed Clubhouse
- There are number of underused sports facilities within Chellaston on the Park
- The proposal would be used as a business rather than a school facility
- Concerns raised with regards to the facility being used by the general public as the school is not a business
- Concerns raised with regards to the proposed opening hours and it being used 7 days a week
- Foul and abusive language being heard from those using the pitch facility
- The increase of anti-social behaviour created by those using the pitch and venturing into the village centre
- Inaccuracies set out within the submitted Noise Impact Assessment and the Ecological Report. Have requested that an independent series of surveys be provided
- Limited consideration of the wider context in the supporting reports; no report considers spectators, impacts on local residents or how the use of flood lights will impact on wildlife
- Lack of car parking facilities for the school at present and this will worsen if the facility is granted
- The siting of the pitch and proposed clubhouse is unacceptable due to its close proximity to residential properties
- Increase in traffic to the site
- Loss of trees and impact on the Nature Area
- Impact on wildlife including protected species
- The pitch could be located further away from the existing residential properties on Swarkestone Road and closer to the school to minimise its impact
- Potential impact on peoples health due to loss of sleep, affected sleep patterns and a decrease in their quality of life
- Loss of privacy
- Consideration of a similar proposal at Pingle Hill School, Swadlincote.

Copies of these letters will be made available in the Council Chamber Foyer.

B1 APPLICATIONS (cont'd)

8 Code No: DER/12/08/01696

8. Consultations:

Derby County Council Archaeologist –The field contains earthwork ridge and furrows listed in the Derbyshire Historic Environment Record (HER 32046). Ridge and furrow is the remains of medieval strip cultivation, and is an increasingly endangered historic resource. The ridge and furrow within the field in question would be levelled to create the proposed sports pitch. There is a clear requirement under the provisions of PPG16 for a programme of archaeological work to mitigate these potential impacts on the archaeological resource. This should be in the form of a topographical survey of the ridge and furrows within the field; this should be carried out before the commencement of development. A condition is suggested and reproduced at condition 6 below.

Derbyshire Wildlife Trust – It is understood from the findings of the ecological survey that no evidence of bats was identified within the building, however the building does have potential to support bat roosts, where verge mortar is missing and where there are hanging tiles. Further survey work is recommended within the report. Further investigation of bat activity is required, this is due to the installation of floodlighting and its potential for impacting on bat emergence times, feeding and foraging areas. In addition further survey work for badgers should be undertaken, prior to development in the area.

The proposed replacement pitch will result in the loss of 'wild area' including scrub, rough grassland, hedgerows and mature trees. The submitted report does not include a full species list of the vascular plants which are to be lost, therefore a more detailed survey is required of the area to be lost to fully assess the impact of the development and to inform mitigation measures.

The Trust supports the recommendation of the Ecological Report that any vegetation is removed outside of the bird breeding season. If this is not possible any vegetation should be surveyed for nesting birds by a suitable experienced ecologist. Should an active nest be found, the nest should be left undisturbed until all young have fledged.

Children and Young People's Department – Fully supports the bid made by Chellaston School to the Football Foundation for the artificial turf pitch. Derby has a strategic plan for the development of football facilities; the plan is supported by Derbyshire Sport's County Facilities Plan which states that a Football AWP serving the south of the City and County would be best placed at Chellaston School. Chellaston School serves young people and families from Chellaston and south Derbyshire villages such as Melbourne, Barrow, Aston and Western on

B1 APPLICATIONS (cont'd)

8 Code No: DER/12/08/01696

Trent. The school has worked hard to ensure that young people from these communities have access to an exciting and engaging physical education curriculum. The school has also made strong links with a number of sports clubs. Derby has evidence to show that a huge proportion of young people are not meeting the Chief Medical Officer's recommendation for one hour of moderate intensity physical activity per day; low levels of physical activity are linked to obesity, cardiovascular disease and poor mental health. Chellaston School is addressing this issue in the following ways:

- Diversifying the PE curriculum to ensure that it meets the learning needs of all young people and so that they all enjoy their lessons
- Providing a wide range of extra curricular sports and physical activities that meets the needs and interests of all their young people
- Providing high quality PE and sports facilities to make PE and sport enjoyable and exciting
- Providing Leadership and coaching courses for young people and adults in the community so that the activities become sustainable
- Building strong links with sports clubs in the community, such as Melbourne Rugby Club, to enable the young people to continue their sport activity out of school hours
- Letters of additional support have been attached to these comments.

Sport England - Would only object to an application if they consider the application to result in the loss of playing fields. The proposal comprises extensions to the changing rooms and a new floodlit all weather sports pitch. The plans show that a new area of playing fields is to be added to ensure that no pitches are lost. This requires the felling of a number of trees so it will be important to ensure that the ground conditions are satisfactory once the trees have been removed. An appropriate condition is therefore recommended. The facility is welcomed and Sport England is satisfied that exception E5 has been met. However Sport England would express concern that the value of the facilities to the whole community is reduced by the shorter evening opening hours.

Police AOL – gives advice in context with policies:

- Safer Places: The Planning System and Crime Prevention
- National Policy – PPS1 Delivering Sustainable Development
- RSS8 Policy 4
- City of Derby Local Plan Review 2006: Policies T6, T7 and E24.

B1 APPLICATIONS (cont'd)

8 Code No: DER/12/08/01696

The officer is sympathetic to the application as the facilities are needed in this area. The extension is well designed for its use with high level fenestration and minimal recesses. There are always issues with noise and light spill from this type of facility especially with later hours of use. On safety grounds the bunds actually reduce beneficial preventative views from and into the site to offer natural surveillance protection to the pavilion and make the adjacent foot path slightly less safe by removing the open nature of the path, in a short 50 metres section. On balance no objection can be made to be proposals with the 2 metre boundary and well designed extension and single access. The hours of operation should be restricted to no later than 2100 hours to reduce nuisance and anti social behaviour within the school enclosure. The applicant should be reminded that many nuisance calls are received by Police regarding noise and that not all residents work from 9 am to 5 pm – shift workers should be considered especially those with early and late finishes.

Arboricultural - There is no arboricultural objection as the trees marked for removal are in relatively poor condition.

Environmental Health – makes comments on the additional information submitted in the letter submitted by the applicant dated 4 February which was submitted in response to previous comments made by Environmental Health. It appears there was a measured increase in noise levels at both positions A and B from noise monitoring undertaken. Raises concern with regards to whether monitoring was undertaken on an evening that typically reflects the use of the school in the evening as, when my colleague carried out a site visit on 14 October, 2008 from approximately 19:35 to 19:45 it was very quiet (except from background noise from A50) with no traffic/people using the school at that time. Additional information with regards to the use of the school in the evenings is required and at the weekends to assess this matter. It would be expected that any Noise Assessment should have had regard to when background noise levels were lowest so as to determine the maximum impact of the proposal would have on noise levels in the vicinity of the school. It is assumed that the applicant is confident that background and ambient noise levels at Station Close are indicative of those measured at locations A and B. Actual measurements would have been preferred. Comments cannot be made on the specifics of the case at Pingle School, but has no reason to doubt the comments made by the Head of Pollution Control at South Derbyshire District Council. If this proposal goes ahead and the Pollution Control Team considers noise from the school is causing a statutory nuisance the Council will only be able to require mitigation measures to ensure the school is complying with the 'best practicable means' to control noise. Whilst this might include increasing the barrier height and/or imposing operation limits, inevitably mitigation measures

B1 APPLICATIONS (cont'd)

8 Code No: DER/12/08/01696

might not resolve all noise problems as is the case at Pingle School or satisfactorily control the hours of operation of the all weather pitch. Consideration should be given to limiting the hours of operation in any planning permission given to the school.

9. Summary of policies most relevant: Adopted CDLPR:

- GD1 - Social Inclusion
- GD4 - Design and the Urban Environment
- GD5 - Amenity
- E5 - Biodiversity
- E7 - Protection of Habitats
- E9 - Trees
- E10 - Renewable Energy
- E17 - Landscaping Schemes
- E23 - Design
- E24 - Community Safety
- L6 - Sports Pitches and Playing Fields
- LE1 - Education Uses
- T4 - Access, Parking and Servicing
- T6 - Pedestrians
- T7 - Cyclists
- T10 - Access for Disabled People

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

- 10. Officer Opinion:** Policy L6 of the adopted CDLPR states that planning permission will not be granted for development which involves the loss of land currently used for sports or recreational purposes, including playing fields associated with educational establishments unless one or more of the three specific criterion are met. These include that the facilities now provided can be fully retained or enhanced through the development of only a small part of the site; or 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 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. I am of the opinion that the proposed development adheres to this specific planning policy.

The proposed extension to form the changing rooms is to be located on an area that is not considered and does not appear to be in an area that would form a playing pitch. The proposed extension is an extension to an existing school building and therefore complies with the constraints

B1 APPLICATIONS (cont'd)

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of policy LE1 of the adopted CDLPR. This particular element of the proposal will be subject to the particular conditions regarding reduced energy consumption and use.

The proposed all weather pitch would be sited on an existing pitch which will be displaced and relocated elsewhere within the curtilage of the school. This has taken into account the greater functionality of the all weather pitch, this would be in accordance with L6.

A landscaping and management scheme to mitigate the loss of land within the application area in accordance with policy E17 must be considered. Loss of trees, impact on vegetation and impact on wildlife will be considered later in this section of the report.

Highways and Parking

Following the withdrawal of the previous planning application DER/09/08/01350 and a request being made by my colleague in our Highways Team, additional information has been submitted in support of this current planning application. This additional information consists of vehicle movement details, vehicle numbers and details of the current arrangements and whether these will be altered or remain the same following the development of this proposal. Consideration of the additional information, Transport Statement and the Personal Injury Accident Information for the locality of the access into the school indicates that there will be no significant highway implications.

The access and parking facilities are existing features of an established school and consists of an access from Swarkestone Road and parking for 126 cars with 4 designated disabled car parking spaces, with additional parking available within the driveway. The parking facilities are considered to be acceptable to the Highways officer. The number of car parking spaces provided is considered to be acceptable and is in accordance with the adopted CDLPR. Concerns have been raised by local residents with regards to parking congestion and lack of parking provision. However, I consider it unreasonable to require additional parking when Local Plan policy does not require it.

Cycle hoops and cycle storage is already provided in close proximity to the car parking on the site, therefore I consider it unreasonable to request additional motor cycle and cycle hoops.

Furthermore, the school is considered to be well served in terms of public transport and pedestrian access, as detailed in the Transport Statement. In my opinion, which is shared by that of my colleague in our

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Highways Team, the proposal will have no significant impact on the highway.

Amenity, Design and Street Scene

I am of the opinion that the proposal will not have a detrimental impact on the setting of the school nor existing residential properties in terms of design, amenity and impact on the street-scene of Swarkestone Road, due to the siting and orientation of the proposal.

The proposed extension is not considered to have a detrimental impact on the neighbouring properties due to its single storey design and siting. It is considered that the proposal will not result in an incongruous feature when considering the visual amenity and setting of the school and locality due to its siting close to the existing school buildings. The proposed materials and design are considered to lessen the extensions' impact as they are similar to those used in the construction of the existing pavilion. The installation of windows along with the rendering and brickwork on all elevations will reduce the bulk of the building by breaking up the external elevations into areas of different texture and appearance.

The all weather pitch is considered to be acceptable in terms of design, amenity and impact on the street-scene. The size of the all weather pitch is also considered to be acceptable and measures approximately 104 metres x 70 metres (external measurements). The proposed boundary fencing is considered to be characteristic of a school setting; furthermore the height of the fencing is considered to be acceptable and will be partially screened from some vantage points by the extension to the changing rooms. Its mesh design will give a transparent appearance and potentially reduce the bulky appearance of this solid boundary.

Issues relating to trees, wildlife and the installation of floodlighting will be discussed later in the report however I raise no objection to the impact on the amenity of the school setting and neighbouring residents when considering the wider context. I do not believe that the proposal will have a detrimental impact on the locality of neighbouring land uses provided carefully controlled conditions are adhered to.

Floodlighting

The application site is located to the south west of the school site and is located within close proximity to a large residential area. The three main impacts of floodlighting need to be assessed against the setting of residential properties. The application proposes the installation of 8 no.

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x 12 metre lighting columns around the perimeter of the all weather pitch.

The three main impacts of floodlighting are as follows:

- Visual intrusion from the columns during daytime
- Visual intrusion from lighting whilst in use
- Noise and other disturbance during the evenings they are in use.

Daytime visual intrusion from the columns is inescapable and will be in the view of nearby residential properties. However given that this is an existing school site future development within its curtilage must be expected and in my opinion should not stunt the development of an all weather sports pitch. The height of the proposed columns is not excessive and has been reduced by 3 metres from the previous planning application. Furthermore I do not consider that the degree of intrusion for the houses on Swarkestone Road is significant enough to warrant a recommendation for refusal of this application. The distance between the nearest floodlight and the nearest dwelling is some 75 metres.

Intrusion from the floodlighting is inevitable in that the sports pitch will have a glow over it. However the design of the lighting columns is such to shield the surrounding area and decrease light spillage beyond the confines of the playing surface. The lighting proposed in this application, Challenger 1 AL5760, benefits from less glare given off into the surrounding locality and the use of 'flat glass' means that there is no direct upward light that would illuminate the sky. Therefore the light provided will be directed towards the pitch with reduced spillage.

A certain level of disturbance created by the functioning of the floodlights, all weather sports pitch and extension to form the changing rooms is inevitable. However, this can be kept to a minimum by restricting the hours of use of the facilities and monitoring the impact of the proposal. Initial comments from our Environmental Health Team, that relate to the previous application (DER/09/08/01350), suggest that the hours of operation should be restricted to those of normal construction times - from Monday to Friday 0730 to 1830 and 0730 to 1300 hours on a Saturday with no uses on Sundays and Bank Holiday Mondays. However, given that the school and the use of this area are established these restrictive hours would be unreasonable to both the school and future users of the pitch. It is important to reiterate that the intensification in use of the playing fields could occur at any given moment without the need for planning permission. It is my opinion that to restrict the hours of use to those similar of construction times of operation is unacceptable. I have, however, taken these factors into

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account in arriving at, what I consider to be, more reasonable hours of operation in condition 1 below. In relation to noise and other disturbance, the installation of floodlighting at the site will transfer some daytime activity into the evening.

Trees and Protected Species

Objections have been received from neighbouring residents with regards to the impact of the proposal on wildlife and trees within the locality of the application site. The loss of trees will be mitigated by a tree planting and landscaping condition, which is welcomed by the Arboricultural officer. The trees highlighted for removal are in a relatively poor condition; their removal is not objected to by our arboricultural officer. An advisory note could be attached to ensure that any vegetation to be removed is done so outside of the nesting season.

Due to the site being bounded to the south west by trees an Arboricultural Method Statement should be requested to ensure that the remaining and existing trees are protected during the construction of the pitch.

Summary

The creation of the all weather pitch, floodlights and extension to form the changing rooms, in my opinion, is acceptable and adheres to the relevant planning policies as set out in the adopted CDLPR. The proposal will be restricted by conditions to ensure the development is satisfactory in terms of impact on neighbouring properties and the character of the surrounding area.

11. Recommended decision and summary of reasons:

11.1 To grant planning permission conditionally.

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 material planning considerations and is considered acceptable in terms of design, amenity and policy terms.

11.3 Conditions

1. The hereby approved floodlights, that form part of this permission shall not be used outside of the following hours:

Monday to Friday	0800 - 2100
Saturday, Sunday and Bank Holidays	0800 - 1800

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2. Standard Condition 27 (details of external materials)
3. No development shall be commenced until a landscaping scheme indicating the types and position of trees and shrubs and treatment of paved and other areas has been submitted to and approved in writing by the Local Planning Authority.
4. The landscaping scheme submitted pursuant to Condition 3 above shall be carried out within 12 months of the completion of the development or the first planting season whichever is the sooner and any trees or plants which, within a period of five years from the date of such landscaping works, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. No vehicles shall be driven or parked on landscaping areas except for those vehicles necessary for the maintenance of those areas, unless otherwise agreed in writing by the Local Planning Authority.
5. During the period of construction works all trees, hedgerows and other vegetation to be retained shall be protected in accordance with BS:5837:2005 ("Trees in relation to construction"). Details of such protection will be submitted and approved by the Local Planning Authority prior to its erection. The protection shall be provided before other site works commence and shall be retained in position at all times until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.
6. No development shall take place within the site until the developer has secured the implementation of a programme of archaeological work in accordance with the written scheme of investigation (WSI) submitted by the developer and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.
7. Prior to the commencement of the development/use hereby permitted:
 - i. A detailed assessment of ground conditions of the land proposed for the sports facility shall be undertaken

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(including drainage and topography) to identify constraints which could affect playing field quality; and

- ii. Based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

The approved scheme shall be complied with in full prior to commencement of the development.

8. The design, layout, and materials of the proposed extension shall have full regard to the need to reduce energy consumption.

11.4 Reasons

1. To ensure that the visual impact of the lighting and the impact from any noise associated with use of the sports pitch does not adversely affect the amenities of nearby residents, in accordance with the objectives of policy GD5 of the adopted City of Derby Local Plan Review.
2. To ensure a satisfactory external appearance of the development in the interest of visual amenity...policy E23.
3. To safeguard and enhance the visual amenities of the area...policy E17.
4. To safeguard and enhance the visual amenities of the area...policy E17.
5. Standard reason E11...policy E9.
6. In order to record the historical importance of the site...policy E21
7. To ensure that site surveys are undertaken for the new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality of planning field and to accord with policy L6 of the adopted CDLPR.

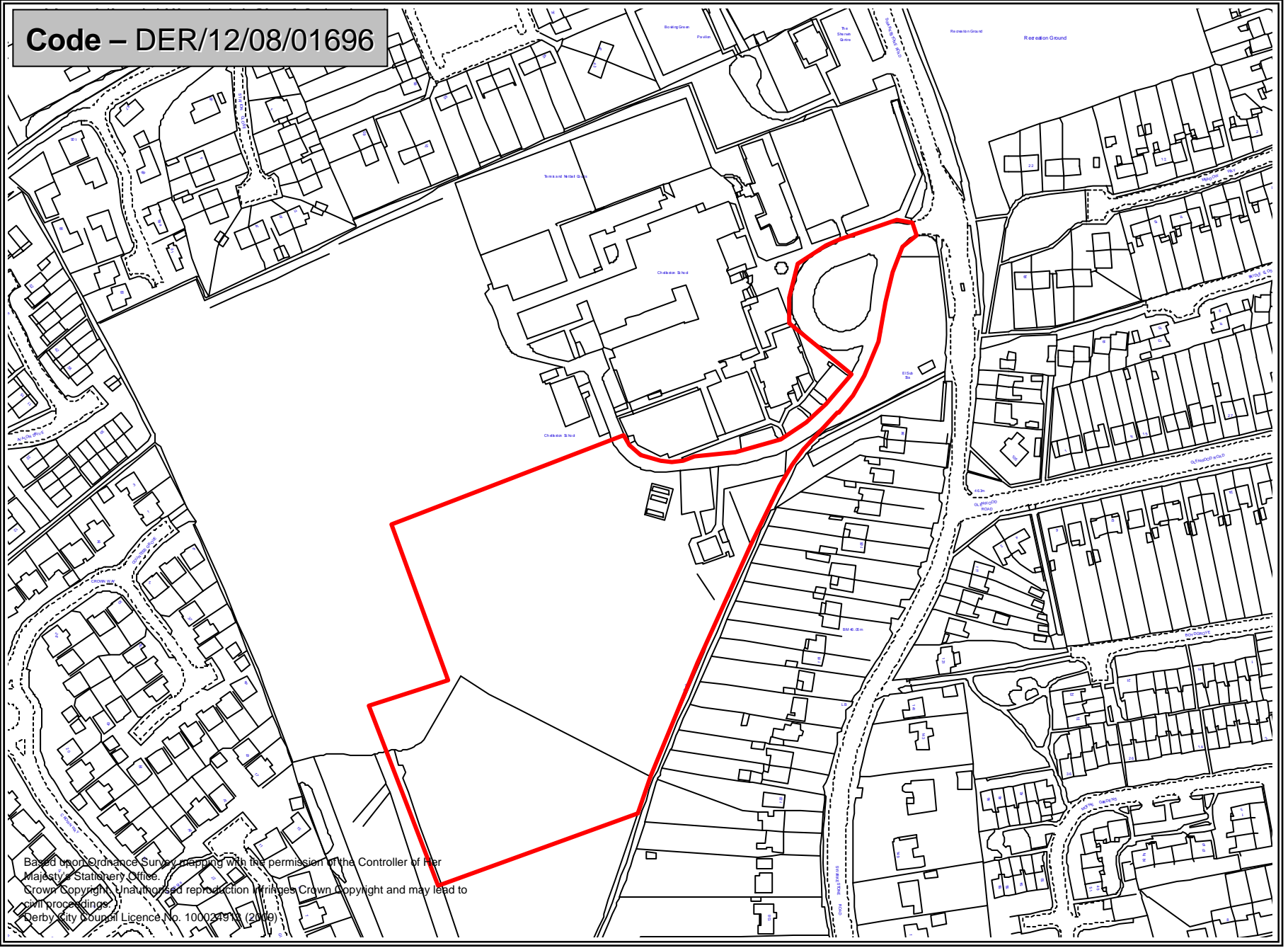
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8. To help reduce energy consumption, pollution and waste in accordance with policy E10 of the adopted City of Derby Local Plan Review.

11.5 S106 requirements where appropriate: None.

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