



PLANNING CONTROL COMMITTEE
26 November 2015

ITEM 8

Report of the Director of Strategic Partnerships,
Planning and Streetpride

Applications to be Considered

SUMMARY

- 1.1 Attached at Appendix 1 are the applications requiring consideration by the Committee.

RECOMMENDATION

- 2.1 To determine the applications as set out in Appendix 1.

REASONS FOR RECOMMENDATION

- 3.1 The applications detailed in Appendix 1 require determination by the Committee under Part D of the Scheme of Delegations within the Council Constitution.

SUPPORTING INFORMATION

- 4.1 As detailed in Appendix 1, including the implications of the proposals, representations, consultations, summary of policies most relevant and officers recommendations.

OTHER OPTIONS CONSIDERED

- 5.1 To not consider the applications. This would mean that the Council is unable to determine these applications, which is not a viable option.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Ian Woodhead 16/02/2014
For more information contact: Background papers: List of appendices:	Ian Woodhead Tel: 01332 642095 email: ian.woodhead@derby.gov.uk None Appendix 1 – Development Control Monthly Report

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Item No.	Page No.	Application No.	Address	Proposal	Recommendation
1	1 - 23	08/15/01042	Agard Street Car Park, Agard Street, Derby.	Erection of student accommodation (Sui Generis Use Class), provision of new stair connection to Friar Gate Bridge, removal and reinstatement of tram tracks, landscaping, courtyard and associated works.	<p>A. To authorise the Director of Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.</p> <p>B. To authorise the Director of Strategy Partnerships, Planning and Streetpride to grant permission upon conclusion of the above Section 106 Agreement.</p>
2	24 - 53	04/15/00449	Land south of Mansfield Road, Breadsall Hilltop, Derby (between Porters Lane and Lime Lane)	Outline application for residential development of up to 250 dwellings, together with means of access, public open space, drainage attenuation and landscaping.	<p>A. To authorise the Director of Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.</p> <p>B. To authorise the Director of Strategy Partnerships, Planning and Streetpride to grant permission upon conclusion of the above Section 106 Agreement.</p>
3	54 - 62	09/15/01136	75 St. Albans Road, Derby.	Retention of change of use of domestic outbuilding to music studio for teaching purposes (Use Class D1) - removal of condition 7 of previously approved planning permission Code No. DER/02/14/00268 to allow permanent use as a music studio.	To grant planning permission with conditions

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Item No.	Page No.	Application No.	Address	Proposal	Recommendation
4	63 - 67	06/15/00837	230 Derby Road, Chellaston, Derby.	Two storey and single storey front and single storey side extensions to dwelling house (utility, kitchen, double garage, store, w.c., cloakroom, entrance hall, gallery, bedrooms, en-suites and walk-in wardrobes).	To grant planning permission with conditions

1. Application Details

Address: Agard Street Car Park, Agard Street, Derby

Ward: Darley

Proposal:

Erection of student accommodation (Sui Generis Use Class), provision of new stair connection to Friar Gate Bridge, removal and reinstatement of tram tracks, landscaping, courtyard and associated works

Further Details:

Web-link to application documents –

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal= DERBY DCAPR 98689>

Site Description:

This application site is a roughly rectangular shaped piece of land which covers an area of approximately 0.16 hectares. It is situated on the southern side of Agard Street close to its junction with Ford Street. The site is currently vacant and covered with rough surfacing and vegetation. Its boundaries are enclosed by a mixture of timber fencing, brick walling and temporary hoardings.

To the east of the site lies a small surface level car park which serves One Friar Gate the contemporary 3-6 storey copper-clad building situated at the corner of Agard Street and Ford Street. To the west are a number of Victorian terrace houses and several commercial buildings. The streetscene on the opposite side of Agard Street is comprised of modern four-storey university halls of residence buildings.

The site lies within the northern limits of the Friar Gate Conservation Area and close to a number of statutory listed buildings fronting both Friar Gate and Ford Street. They include the Grade II listed Friar Gate Bridge which abuts the site's southern boundary, the row of grade II listed buildings numbers 27-32 Friar Gate and 35-39 Friar Gate, 99 and 93 Friar Gate. Within the surface along the site's western edge remain several lengths of locally listed tram track.

The site lies within the limits of the University District Policy Area and a designated Air Quality Management Area. Part of the site is located within the E.A. and SFRA Flood Risk Zone 2. Saved Policy T15 of the City Of Derby Local Plan Review identifies a recreational route across the site which extends to Friar Gate Goods Yard, via Friar Gate Bridge.

Planning History:

The site has been the subject of a several interrelated planning applications over a number of years. In November 2009 planning permission was granted under application reference DER/12/08/01676 for the development known as Friar Gate Square. This scheme comprised two connected 3-7 storey office buildings with a basement level car park and ancillary leisure/retail uses. The development also proposed a stepped pedestrian/cycle access to the deck level of Friar Gate Bridge via a central square. Due to the technical, practical and commercial difficulties of

delivering the scheme in its entirety only the first phase of this development has been completed. This building, One Friar Gate, has since been granted a change of use under application reference DER/04/15/00495 and is to be occupied by the University of Derby's Law School.

In September 2013 an application was submitted for revisions to phase 2 of Friar Gate Square under application reference DER/09/13/01106. This application essentially sought permission for two independent buildings with at grade parking retained in between. It omitted the public route through the development and proposed an extra storey on the building taking the development to 8 storeys overall. Application reference DER/09/13/01106 was refused in January 2015 for the following reasons:

- 1) *In the opinion of the Local Planning Authority the proposed development would create, by virtue of its unacceptable siting in relation to the existing 'phase 1' development and its height from ground level, a visually intrusive form of development that would lead to harm to the special character and setting of the Friar Gate Conservation Area and nearby listed buildings. The Local Planning Authority has had regard to section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. In the opinion of the Local Planning Authority the economic and public benefits of the proposed development are not enough to outweigh or justify the harm identified in this case. Therefore, the proposal is contrary to saved policies GD2, GD4, GD5, E18, E19 and E23 of the adopted City of Derby Local Plan Review, in addition the core planning principles and paragraphs 132 and 134 of the National Planning Policy Framework have been taken into account.*
- 2) *In the opinion of the Local Planning Authority the proposed development would be 'visually divorced' from the existing 'phase 1' development and the overall urban design composition of the proposed development, in terms of its height, layout, public realm components and access connections to Friar Gate Bridge, is weak and fails to meet the design aspirations of the Local Planning Authority. The Local Planning Authority has had regard to section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Therefore, the proposal is contrary to saved policies GD2, GD4, GD5, E18, E19 and E23 of the adopted City of Derby Local Plan Review, in addition the core planning principles and paragraphs 56, 61, 64 and 134 of the National Planning Policy Framework have been taken into account.*

The proposal:

Full planning permission is now sought for the erection of a stand-alone building to be used as residential student accommodation (Sui Generis Use Class). The development would provide 244 no. 1 bed en-suite rooms arranged in 45 'clusters'. Each cluster would provide between 4 and 6 units along together with communal kitchen/dining/lounge areas.

The building would run north-south through the site in a linear fashion referencing the route of the former railway line. The development would be 9 storeys (ground plus 8 floors) overall, approximately 26m at its highest point and would step down to 3

storeys adjacent to the abutment of Friar Gate Bridge. The exterior of the building, as amended, would be finished in a mixture of brickwork at lower level and lightweight aluminium cladding on the upper floors.

The principal entrance into the development would be located along Agard Street providing both a stepped and ramped approach into the communal entrance/lobby and reception area on the ground floor of the building. Services areas such as the laundry, bin store and plant room would also be located at ground floor level. A secured area of amenity space would be provided to the west of the building along the historic Short Street route. This area would be landscaped and gated access would be provided onto both Agard Street and Friar Gate.

In addition to the building itself permission is also sought for the erection of a stair connection to Friar Gate Bridge, providing access from the deck level down towards Friar Gate. The staircase would be located on the western side of Friar Gate Bridge adjacent to the side elevation of the Grade II listed No. 35 Friar Gate. An associated listed building consent application (DER/09/15/01125) has been submitted to consider the works to Friar Gate Bridge.

The planning application is accompanied by an updated Design and Access Statement, Heritage Statement, Archaeological Assessment, Air Quality Assessment, Noise Assessment, Daylight/Sunlight Assessment, Flood Risk Assessment, Phase I Geo-Environmental Report and Transport Statement. Supporting visual stills and verified views of the development have also been provided, together with a computer generated 'walk through' of the development.

2. Relevant Planning History:

DER/09/15/01125 - Fixing of stair connection to Friar Gate Bridge, involving partial removal of brick parapet wall, installation of concrete pad foundation and associated steelwork and making good – awaiting determination.

Link to application – <https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 98777>

DER/04/15/00495 - Variation of conditions 1, 3, 34 and 35 of previously approved planning permission Code No. DER/12/08/01676 - Erection of 3-7 storey buildings comprising office use (use class B1(A)) and ancillary retail/leisure units (Use Classes A1 (retail), A2 (financial and professional services), A3 (Restaurant/Cafe), A4 (Drinking establishments), D1 (Non-residential institutions), D2 (Assembly and Leisure)) with associated access and car parking, to amend the approved plans and Use Class of the Building to Use Class D1 (Non-residential institutions) throughout. – Granted Conditionally – 22/05/2015

Link to application – <https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 98110>

DER09/13/01106 - Erection of 3-8 storey buildings comprising office use (use class B1(A)) and ancillary retail/leisure units (Use Classes A1 (retail), A2 (financial and professional services), A3 (Restaurant/Cafe), A4 (Drinking establishments), D1 (Non-residential institutions), D2 (Assembly and Leisure) with associated access and car

parking - re-submission of previously approved permission DER/12/08/01676 to include flexible use of ground floor Phase 2 – Refused – 12/01/2015

Link to application – <https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 95314>

DER/06/09/00620 – Partial demolition of boundary wall to facilitate erection of 3-7 building comprising office use and ancillary retail/leisure units – Granted Conditionally – 02/12/2009

Link to application – <https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 88022>

DER/05/09/00606 – Demolition of 33 and 35 Ford Street – Granted Conditionally – 22/07/2009

Link to application – <https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 88008>

DER/12/08/01677 – Demolition of 4-6 Agard Street and erection of 3-7 storey buildings comprising office use (use class B1(A)) and ancillary retail/leisure units (Use Classes A1 (retail), A2 (financial and professional services), A3 (Restaurant/Cafe), A4 (Drinking establishments), D1 (Non-residential institutions), D2 (Assembly and Leisure)) with associated access and car parking – Granted Conditionally – 27/11/2009

Link to application – <https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 87184>

DER/12/08/01676 – Erection of 3-7 storey buildings comprising office use (use class B1(A)) and ancillary retail/leisure units (Use Classes A1 (retail), A2 (financial and professional services), A3 (Restaurant/Cafe), A4 (Drinking establishments), D1 (Non residential institutions), D2 (Assembly and Leisure)) with associated access and car parking – Granted Conditionally – 28/11/2011

Link to application – <https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= DERBY DCAPR 87183>

3. Publicity:

Neighbour Notification Letter – 51 letters sent

Site Notice - Yes

Statutory Press Advert - Yes

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

4. Representations:

Three objection letters/emails have been received in response to the initial 21 day consultation on this application. The issues raised are summarised below:

- As the owner of an adjacent Listed Building I find it hard to accept that both the scale and sheer ugliness of the proposed building is appropriate to this important historic area. Just because the so called "Duracell" building (on the

corner of Agard & Ford Streets) managed to obtain planning consent, this does not mean that this proposal, as it stands, should be accepted. There may be a case for more student flats but not at any price. This application should be rejected.

- Concerns about the size/scale of the building and the resultant impact on the amenity of neighbouring properties.
- Although less tall than the previously consented scheme and in more appropriate materials, the development may be too tall in relation with its surroundings

Two letters/email of comment and one letter/email of support have been received in response to the initial 21 day consultation on this application. The issues raised are summarised below:

- There is a significant shortfall of good quality student accommodation in the city.
- The development will bring with it significant economic benefits to Friar Gate and the wider City Centre.

Comments provided by the Friends of Friar Gate Bridge are summarised below:

- Windows overlooking the bridge will be beneficial for the security of users of the bridge
- The current application allows access only from Friar Gate, because Short Street to the north will be gated as part of the secure perimeter of the student residence. However, we are content with this because access from Friar Gate is likely to be of more general use than access from Agard Street.
- The provision for access for the bridge deck at the north end is welcomed.
- The shape, modern design and light construction of the proposed stairway contrast appropriately with the bridge. Detail such as the black cladding could be revised nearer to the time of construction.

Members should be aware that a 14 day neighbour re-consultation was carried out following receipt of revised plans which expires on 25 November. Any additional representations received after the publication of this report will be provided as an update at the meeting.

5. Consultations:

Historic England:

Our original letter of advice on this site (July 2009) highlighted the importance of Friar Gate conservation area. 'Friar Gate conservation area is considered the most important conservation area in Derby and is arguably of national importance in terms of its quality.

Many of the buildings on Friar Gate are listed with a high proportion of Grade II and Grade II* 18 century town houses of significant architectural and historic interest.' Friar Gate is a delightful and imposing street, providing a view into the townscape of

Georgian Enlightenment Derby. Thus it is essential for your authority to fully assess and consider the impact of the proposed development upon the conservation area and individual listed buildings within it.

The visual impact of the development when viewed from Friar Gate would appear to have been reduced from previous schemes (both consented and refused) because the scale of the building has been reduced in comparison to the consented scheme, both in bulk and, to a lesser degree, height. The design has also been significantly revised and is now different in approach to the completed scheme designed by Panther Hudspith at One Friar Gate Square. We defer to the judgement of your authority in relation to the proposed new design treatment and the materials envisaged.

We welcome the provision within this application for an access stair onto the deck of the Grade II listed bridge. The lack of any access provision was a significant concern for us in the previous application, which was refused by your authority (your ref 09/13/01106). We would question the form of the access stair proposed, this takes the form of a metal structure with a dog-leg across the access lane, immediately adjacent to the other listed house fronting Friar Gate, no 35. We would suggest that a more elegant solution would be to run any access stair against the listed bridge, the impact of which can be judged by the visualisation included of the previously consented scheme in the Key Views section of the supporting documentation (page 58). Such a stair could also be constructed in metal and be much more lightweight in appearance than the masonry stair consented, allowing the listed bridge to be clearly seen through it. The dog leg arrangement currently proposed is awkward in appearance and fills the access lane. There is also a visual impact on no 35 caused by its placement immediately adjacent to this building. There may be good practical reasons why this is the only viable solution - but your authority should be convinced of these, in light of the requirement in the NPPF for any harmful proposal to be accompanied by a 'clear and convincing justification' (para 132).

The new proposal also envisages butting the new building immediately up to the listed bridge. The end wall of the bridge in this location is modern and of no significance. Whilst we have no objection in principle to this proposal it will be important to ensure that the junction between the two is carefully considered to ensure that a long-term maintenance problem is not constructed - essentially avoiding the creation of a damp 'slot' that can be not be accessed for maintenance purposes.

Recommendation - Your authority should seek further information concerning the justification for the access stair as currently proposed and consider how the junction between the listed bridge and new build will be treated. We would defer to the judgement of your authority on the wider issues of design and planning policy in relation to this scheme.

CAAC:

Resolved to recommend refusal on the following grounds:

- 1) The proposed design would be detrimental to the conservation area, does nothing to enhance the conservation area and have a highly negative impact
- 2) The bulk and scale of the building was considered to be far too large for the site and the conservation area as a whole

Reconsultation on preliminary revisions to the building's elevational treatment:

The Committee still considered the design of the building to be inferior to the approved scheme and re-iterated concerns about its scale and mass. The Committee remained disappointed that a link to Friar Gate Bridge would not be provided as part of the development. Preliminary views of the building's revised elevations were reviewed at the meeting and several detailed design suggestions were made by the Committee, which included wrapping the brickwork around the front (Agard Street) elevation of the building, the introduction of copper detail on the building and the use of a set back on the upper floors of the building. The Committee commented that the ground floor detail on the building also needed to be correct as full details were not presented. The Committee felt the elevations were heading in a better direction and considered the revised elevation strategy to be less harmful to the character and appearance of the Conservation Area than the scheme which had been reviewed at the previous meeting.

It is important to note that the design of the elevations, as originally proposed, have been substantially revised in particular response to the views expressed by CAAC. Further alterations have also been included in the design, in terms of wrapping the brickwork around the front (Agard Street) elevation of the building, that follow comments expressed by CAAC.

Conservation Officer/Urban Design Officer:

Initial comments

Layout

The proposed new development is for the erection of a student accommodation block which is linear in plan and abutted to the bridge. I note that, in my view, the layout and alignment could be improved if it followed the line of the bridge rather than being at a slight angle further west – this would improve the view from the bridge as well as down Short Street.

The internal layout on all floors denotes the majority of study bedrooms and break out kitchen spaces with the exception of part of the ground floor, towards Agard Street, which incorporates an entrance, offices, a laundry, bin store and plant room.

Impact of layout on the bridge

I note that the new building is proposed to be built right up to the bridge. I suggest that this would not form any breathing space and a slot that might compromise the maintenance of the bridge at this point and become a litter gap. This 'slot' that is being created adjacent to the bridge is a concern so I suggest that either the space is made wide enough to be able to be maintained or the designers look to design some

way of giving cover to the slot (to prevent water ingress and litter) would be beneficial.

Height, scale and massing

The building is nine storeys high (including the ground floor) – the first five storeys are the complete length of the block with the 6th, 7th and 8th being reduced in length that pulls them away from the Friar Gate frontage. I have no objection to the size, height, scale and massing of the proposed block as this is, generally (with a couple of exceptions) less than what was previously approved.

I note from the elevation drawings that the bulk and in some cases height of the proposed building is reduced from the approved scheme.

- The north elevation shows a change of location, a reduction in bulk, massing and height. There is a small element to the west that projects further than the approved scheme.
- The east elevation shows once again that overall the proposed scheme is reduced in height in the majority of places except to the 7th and 8th floors to the south (nearest Friar gate) and to the third floor where there is less of a projection and overhang adjacent to the bridge.
- To the west elevation this also shows the same as the east elevation with the addition of the bridge access.
- To the south elevation it is clear that there has been a substantial reduction in bulk and there is just a corner to the west that projects further than the approved plan.

I note from the 'walk through' submitted and the building is no longer able to be seen over the roof tops of the adjacent listed row on Friar Gate – which is an improvement in terms of the impact of this scheme, on the character of the conservation area, over the approved scheme. However it can be seen in between grade I listed Pickford's House (41 Friar Gate) and 35-39 Friar Gate which highlights that there is impact on setting of these buildings. I note the views seen alongside the bridge of the new bridge and the gap the other side.

As I have already mentioned above – an improvement to alignment of the building would improve the visual appearance, in my view, of the new building in relation to the bridge when viewed down Short Street, would lessen the amount of the end elevation one would see (when viewing the building from the corner of Friar Gate and Stafford Street outside Roman House) and improve the view of the new building when looking at the development from Friar Gate Bridge.

Landscaping

The surrounding landscaping once again (as in the approved scheme) includes the removal and reinstatement of the tram tracks which were a feature of the approved scheme. There is also landscaping and a small courtyard created to the south of the proposed building. If you are minded to grant permission I would suggest the conditions outlined at the end of this consultation response.

Building design philosophy

I note the design philosophy behind the proposed buildings design detail but although I note that the rusticated banding could denote, at lower level, to railway tracks I am not convinced to the banding to the upper storeys. It also proposes a railway track banding which is horizontal whereas the copper cladding to building number 1 is vertical. I note the reference that the horizontal banding is proposed to pick up on stone banding to properties on Friar Gate but these properties are slightly removed from the site and the banding normally is only to the lowest storeys (between ground and first floor and first and second floor).

As mentioned at pre-application stage, in my view, I feel the proposed building does not sit happily in this location. It does not sit happily adjacent to copper clad building 1 and does not seem to relate to it. There does not seem to be a coherent relationship between the two landmark buildings so they seem to clash and compete for attention. It would have been better, in my view, if the building either followed the aesthetic and visual appearance of the building 1 to give the impression that it was a set piece (like the approved scheme) or was designed to be secondary, less ornate (with no or limited rusticated brickwork to just lower floors) and more subdued in relation to the copper clad building 1.

Proposed Bridge deck link

I welcome a proposed access to the bridge as, in my view; the bridge deck should be accessed from both ends to further reveal the significance of this heritage asset as being migratory and being able to move from one side to another. The previous visual was of masonry stair (seen in D&A Statement May 2009) was located close to the bridge, obstructed an arch of the abutment, and did not obstruct views down Short Street. The proposal does not follow this form but is 'dog leg' in plan and the structure is set away from the bridge so one can read the arch of the abutment. This design does physically divide the private space of Short Street adjacent to the development and the public space in front of the steps. However it does block some of the view along Short Street. I can see advantages and disadvantages to the impact of both design options.

Suggested conditions

Should you be minded to grant permission for this scheme I would suggest that the following items are included to be conditioned:

- All proposed materials (including bricks, mortar mix, landscaping materials, etc.),
- Design details of windows and doors and how they fit within their reveals.
- Design details all external drainage and pipework, vents and flues to the exterior of the building.
- Recording of tram tracks and surrounding landscaping before any works start. Method of this to be agreed prior to starting the works.
- To agree an approach and design details of the slot proposed to be created between the bridge and the new building.

In terms of the listed building application I would suggest a condition controlling the general materials and detailed design as well as a method statement on the proposed making good and more details to control the finished returns of the aperture to the bridge abutment.

Recommendation:

I would suggest further amendments in line with the above advice. In summary; I welcome an access to the deck of the bridge which would assist in bringing forward the reuse of the bridge and access to it. I have concern about the creation of a slot between the new building and the existing bridge. I would suggest that the gap is either made wider so there is a breather space which can be maintained or that the proposal is adapted to create breathable space which is also water tight (and litter proof) so that the long term bridge structure is not compromised. Although I note the design of the proposed building I am currently not convinced about the alignment or external design and how it relates to its context.

Comments on the revisions to the building's elevations:

I note that that the building's alignment across the site has not been revised in line with my previous suggestion so it runs in an alignment which reflects the route of the bridge.

The proposals have improved from the previous ones with the simplified brickwork section, with its regular windows, recessed brickwork panels and wrapping it to the Agard Street elevation. I would suggest a condition to agree the materials and it is confirmed that the windows are set back within the window reveal. I suggest the solid brickwork is two tone; one for the main structure and one for the recessed elements but not mottled in finish as shown in the visuals (although this may be just the rendering of the computer programme).

It is a shame that the same glazing system to match the corner building could not be used. The details of any proposed PPC aluminium rain screen is very important to get right. I therefore will need further information on the upper levels PPC aluminium rain screen cladding to ensure that the visual appearance is appropriate (e.g. information on jointing etc.) and windows are set back in reveal. I suggest this could be done at pre-determination stage or via condition.

I note that the windows to the stepped down section are not lined through ... this looks odd to both side elevations and might be viewed from Stafford Street key view. Suggest that these are lined through.

I would suggest that there is confirmation on all materials e.g. all windows and doors so that they are not UPVC, however, powder coated metal windows may be acceptable depending on their detailed design. These details could be conditioned.

Highways DC:

Whilst car free development in this location is considered appropriate, it is considered that operational servicing and some on-site provision for disabled parking should be provided for a new building. This is particularly the case given the proximity of the site to the inner ring road junction and the importance of Agard Street to the distribution of traffic around the City, particularly in the peaks.

Natural England:

No comments

Environmental Services (Health – Pollution):

Land Contamination

Due to the site's historical use, it has been identified as 'potentially contaminated'. The submitted *Phase I Geo-Environmental Report* (Scott Wilson, May 2009) recommends the completion of an intrusive site investigation to investigate the presence of ground contaminants including ground gases. Given the historical use of the site, this is considered appropriate. No objections are raised subject to conditions relating to the submission of a Phase II intrusive site investigation, a remediation method statement (where required) and final validation report prior to occupation.

Noise

Given its City Centre location, future residents of the development have the potential to be exposed to high levels of noise. The finding of the submitted *Noise Assessment* (Resound Acoustics Ltd, 10th August 2015) are based on a single survey over a Friday night (17th July 2015 between 9pm and 3.30am) and conclude that entertainment noise is not considered to be an issue at the site. This is not considered to be sufficient evidence to form such a conclusion and furthermore, this Department is aware of recent complaints from City centre entertainment noise within this locality. Given the report's conclusions, the insulation scheme does not take into account potential entertainment noise late at night, which can be dominated by low frequency sound from the bass and rhythms of music. The report acknowledges that the windows "*will need to be closed to achieve the internal noise criteria, so an alternative form of ventilation may be required to ensure that occupants can retain access to fresh air without compromising their noise climate*". The external living area noise level predictions are surprising given the measured noise levels. External amenity areas would be expected to experience much higher levels of noise than those reported, given the nature of the location near to a busy road junction. Whilst no objections are raised on noise grounds in principle, the Environmental Protection Team has concerns over the potential for late night noise disturbance from pubs and clubs within this locality. It is recommend a more stringent insulation scheme than that proposed within the report, with particular attention to a glazing scheme that better insulates against low frequency noise, particularly on the southern, eastern and northern façades. The submission of an enhanced noise insulation scheme to be agreed via condition with the LPA is recommended. The scheme should also include provisions for a ventilation scheme which can allow for future occupant's windows to be kept closed throughout the year. The scheme should be fully implemented prior to occupation.

Air Quality

The proposed development is within one of the City's Air Quality Management Areas (AQMA). Consequently, the future occupants are at risk of exposure to pollution levels exceeding National and European Air Quality limits. An air quality assessment has been submitted in support of the application. The report confirms that occupants located on the ground floor at the north eastern façade of the proposed building facing Agard Street are likely to be subjected to nitrogen dioxide levels in excess of

the national and European limits. The report suggests that as there will be no residential accommodation on the ground floor at the north eastern façade, then this is adequate mitigation to protect the health of occupants. This is based on a proposed use of this section of the building as a “*foyer, store room, laundry room, office, plant room and bin store*”. The Environmental Protection Team has concerns over residential accommodation in this location due to the significantly high levels of nitrogen dioxide from the adjacent roads of Agard Street and Friar Gate. However the conclusions in the report that public health impacts should be adequately mitigated, provided that no residential accommodation (bedrooms, kitchens or communal living spaces) are located adjacent to the north eastern façade at ground level, are accepted.

Construction

Recommend that the applicant prepares and submits a Construction Management Plan for the control of noise and dust throughout the demolition/construction phase of the development.

DCC Archaeologist:

The proposal site has minimal archaeological potential and that there is no need to place a further archaeological requirement upon the applicant.

Environment Agency:

The Environment Agency has no objection to the proposed development subject to conditions controlling the levels of surface water run-off and finished floor levels of the development.

Land Drainage:

No objections subject to conditions approving the details of both foul and surface water sewerage schemes for the development.

Housing Standards

No adverse observations in relation to the proposed development from a Housing Standards perspective.

Derbyshire Wildlife Trust:

No response received.

Police Liaison Officer:

No response received.

6. Relevant Policies: *Saved CDLPR policies*

GD1	Social Inclusion
GD2	Protection of the Environment
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
GD6	Safeguarding Development Potential
GD7	Comprehensive Development
GD8	Infrastructure
GD9	Implementation

Committee Report Item No: 1

Application No: DER/08/15/01042

Type: Full

R1	Regeneration Priorities
R2	Friar Gate Stations and Environs
CC1	City Centre Strategy
CC16	Transport
CC18	Central Area Parking
H13	Residential Development – General Criteria
E4	Nature Conservation
E5	Biodiversity
E9	Trees
E10	Renewable Energy
E12	Pollution
E13	Contaminated Land
E17	Landscaping Schemes
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
E21	Archaeology
E23	Design
E24	Community Safety
E27	Environmental Art
L8	Leisure and Entertainment Facilities
L11	New Community Facilities
LE3	University District
T1	Transport Implications of New Development
T4	Access, Parking and Servicing
T6	Provision for Pedestrians
T7	Provision for Cyclists
T8	Provision for Public Transport
T10	Access for Disabled People
T15	Protection of Footpath, Cycleways and Routes for Horses

The above is a list of the main policies that are relevant. Members should refer to their copy of the CDLPR for the full version or access the web-link.

<http://www.cartogold.co.uk/DerbyLocalPlan/text/00cont.htm>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

7. Officer Opinion:

Key Issues

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

- The Principle of the Use
- Urban Design/Heritage Issues
- Friar Gate Bridge
- Other Issues

The Principle of the Use

There are no in principle land use policy objections to the proposed use. The site is located within the defined University District where policy LE3 of the CDLPR promotes development associated with the University of Derby, provided that the scale and intensity of the use is in keeping with the general character / amenity of the area and that the use would not lead to major traffic management implications. The intentions of policy LE3 are carried through within policy CP22 of the emerging Core Strategy.

Urban Design/Heritage Issues

Layout - In terms of its general layout the building would be situated in a similar position to the scheme approved under planning application reference DER/12/08/01676. The Conservation Officer feels that the layout and alignment of the building could be improved if it followed the line of the bridge, rather than being at a slight angle. However these slight undulations within the building's footprint are considered to be acceptable, providing interest and movement, in reference to the historic railway use of the site. Whilst the development would introduce a stand-alone building onto this part of the site, with no connection to One Friar Gate, the proposal is not considered to be isolated or visually divorced from the adjacent building and responds satisfactorily to the surrounding context.

Scale and Mass – In terms of its overall scale and mass the building principally sits within the envelope of the previously approved development (Friar Gate Square). It would be 9 storeys (approx. 26m) at its highest point and would step down to 3 storeys (approx. 9m) directly adjacent to the abutment of Friar Gate Bridge. Although the development now consists of more floors than the consented scheme, this increase is as a result of the reduced ceiling heights associated with the residential use rather than an increase in overall height. The proposed development marginally breaches the approved scheme in three locations (as illustrated by the red line dotted lines of the submitted elevation drawings) but no longer proposes the tall stair/lift core which has resulted in a reduction in the overall height of the building by around 2.81m. The development would also sit approximately 4.5m below the maximum height of the 8 storey office building refused under application reference: 09/13/01106. No objections have been raised by the Conservation Officer in respect of the height, scale and mass of the building, who notes that the from the submitted 'walk through' that the building is no longer able to be seen over the roof tops of the adjacent listed row on Friar Gate (35-39 Friar Gate). The comments from Historic England also note that the visual impact of the development when viewed from Friar Gate would appear to have been reduced from previous schemes (both consented and refused) because the scale of the building has been reduced in comparison to the consented scheme, both in bulk and, to a lesser degree, height. The impact of the development on key views from Friar Gate itself have been reviewed and, whilst there have been slight changes to the mass and height of the building over and above the consent scheme, it is considered that the scheme as amended would not be harmful to the character and appearance of the Friar Gate Conservation Area, or the setting of the listed buildings along Friar Gate. It has previously been accepted that a taller building in this location would be appropriate as it would provide a visual

marker along the inner ring road. Recent developments, including One Friar Gate, have established a new scale of development to the north of Friar Gate and the height, mass and scale of the proposed development are considered to be acceptable in terms of their impact on the character and appearance of the streetscene along Agard Street.

Elevations – During the course of the planning application the building's elevations have evolved substantially. Following Officer feedback, together with advice from both the Conservation Officer and CAAC a new strategy has been developed which incorporates two distinct treatments in the building's elevations mixing traditional and modern materials. The upper floors of the building, as amended, would be finished in a PPC aluminium rainscreen cladding system using a subtle combination of colours which complement the curtain walling found on One Friar Gate and would be slightly recessed. The lower levels of the building would be finished in a brickwork grid with recessed inset panels in a lighter, complementary brick. By aligning the windows in pairs to create more regular vertical openings, the amended scheme has resulted in a building with increased verticality and a simplified more regular appearance. The use of the cladding system aims to give a more lightweight feel to the building's upper floors and break down the perceived massing and scale. The recessed panels on the lower floors of the building, together with the window reveals, add texture and movement within the elevations. Following feedback from the CAAC in particular, the brickwork on the lower levels of the building has been continued around the north elevation of the development, fronting Agard Street.

Overall it is considered that the refinement of the design of the building to visually recess the upper floors and simplify the brickwork, with brickwork wrapping around the front elevation are successful. The building pays respect to its neighbour One Friar Gate Square without trying to compete with it architecturally; taking forward the linear design emphasis but anchoring the building to the brick-dominant surrounding townscape, as much as to the more recent development. However careful consideration will need to be given to the precise materials and detail of the cladding system, to ensure the quality of the elevational treatment. It is also considered that a slight re-alignment of some of the window openings within the east and west elevations of the building are required, such details can be controlled through condition.

Public realm - Unlike the previous schemes proposed for this site the external space located to the west of the site (the historic short street route) is now proposed to be secured, though can be accessed from either end of the site. Access from Friar Gate would be controlled by a 2.4m high gates access, the precise details of which can be controlled through condition. The proposed landscaping would be comprised of a mixture of stone paving interspersed by planting. The locally listed tram tracks would be utilised within the hard landscaping to the west of the building; again a detail which can be controlled through condition.

Friar Gate Bridge:

The development proposal includes an access solution up to the deck level of Friar Gate Bridge which takes the form of a new staircase located to the south west of the

site between Friar Gate Bridge and number 35 Friar Gate. An accompanying listed building consent application (DER/09/15/01125) has been submitted in respect of the works to the listed building itself.

Members should be aware that the developer is not proposing delivery of the stair access, which will need to be progressed by others, but the new owner will provide, in perpetuity, appropriate legal rights over land it controls adjacent to Friar Gate Bridge. The proposed staircase would be a contemporary structure with a lightweight, floating appearance. The stair would rise upwards from Friar Gate, twisting toward the bridge at upper level to allow pedestrians access through to the development site beyond. The structure would sit away from the gable face of 35 Friar Gate and is designed with only a V-shaped support, so that it touches the ground as little as possible. Proposals for lighting the staircase have also been put forward within the development.

Historic England's comments with regards to the design and position of the staircase have been noted and whilst various options for the location and design of the stair access were considered, ultimately the dog-leg arrangement was deemed preferable. By connecting with the bridge at the top landing only, the historic features of the bridge, including the shape of the former arch, remain visible and future access into the archway void would not be precluded (subject to further investigations of the structure stability future use of the archway could provide benefits in terms of bringing this listed structure back into a viable use).

Members should be aware that the earlier consented office scheme proposed a masonry stair which ran along the side of the listed bridge. The scheme remains extant and could be implemented as an alternative.

Whilst pedestrian access is not provided from Agard Street through the development site, the proposals demonstrate that the necessary infrastructure to access Friar Gate Bridge could still be provided and the scheme does not preclude the future provision of a recreational route across Friar Gate Bridge and the intentions of saved policy T15 of the CDLPR will be safeguarded. Precise details of materials, finishes and lighting details associated with the proposed staircase can be controlled through condition.

The student accommodation building will be built directly adjacent to the abutment of Friar Gate Bridge. The use of a 'compriband' or similar 'soft joint' between the two elements is proposed, with weep holes and ventilation provided. The use of flashing over the top of the joint would prevent water ingress in the 'slot' between the buildings.

Other Issues:

Quality of living environment and impact on neighbours

The proposed development would provide a high quality living environment in terms of spaces created within the building, together with external landscaped areas for use by residents. Issues in respect of noise and air quality are considered below. The original scheme allowed a tall building on this site and whilst it was noted that there would be potential impacts on a few surrounding properties (namely the University

Halls of Residence opposite), this impact was not considered to be so significant to warrant refusal. As the development would generally sit within the envelope of the approved office building height, any impact as a result of this development would not be materially different. The submitted Daylight/Sunlight Report concludes that, out of the 34 rooms tested for daylight only one room in the hall or residence will be affected to a negligible degree. In view of this the development is considered to be acceptable in terms of its impact on sunlight/daylight and in terms of general massing and would reasonably comply with saved policies GD5 and H13 of the adopted CDLPR.

Highways/Parking Issues

At present the development provides no off-street parking, although temporary on-street parking spaces are available along both Agard Street and Friar Gate. Refuse servicing will be via Agard Street. Whilst, in principle, car free development in this location is acceptable, the Highways Development Control Officer considers that operational servicing and some on-site provision for disabled parking should be provided, given the scale of the building and its position close to a junction along the busy inner ring road.

In order to address the Highways Officer's concerns a parking solution involving the creation of 2-3 dedicated off street bays within the ground floor area of the building (resulting the loss of approx. 3 bedrooms) is being worked up by the applicant. Members will be updated on the detailed layout of this parking solution and other potential options at the meeting.

Flood Risk

Finished floor levels and thresholds within the development would be greater than the recommended 600mm above 1 in 100 year + 20% flood level and safe dry access is available to the south on Friar Gate. No objections have been raised by The Environment Agency or the City Council's Land Drainage Officer. Subject to conditions controlling the provision of a suitable surface water management strategy and finished floor levels within the building, it is considered that the proposed development would not increase flood risk within the locality and the development itself would not be at significant risk of flood. Accordingly the proposal would comply with saved policy GD3 of the adopted CDLPR.

Accessibility

The development would provide seven rooms for universal access (disabled use). All amenity spaces, building entrances and accommodation clusters are reachable via level access from both Agard Street and Friar Gate. Accessible WC's are provided near to each entrance space at ground level. All access and internal configurations conform to Part M of the Building Regulations. In these respects the development would comply with saved policy T10 of the adopted CDLPR. As stated above the issue of disabled parking is currently being resolved and Members will be updated on the matter.

Sustainability Credentials

The building is arranged in a linear block orientated in a north-south manner thus reducing the extent of solar gain. Double and triple glazing, combined with high levels

of thermal insulation, would assist in the reduction of heat loss and low energy fittings are proposed throughout the building. Secure cycle parking for students (50 covered cycle parking spaces) would also be provided to promote the use of sustainable travel. The highly sustainable location of the development, together with the energy efficiency features proposed ensure the development meets the aspirations of saved policy E12 of the adopted CDLPR.

Air Quality/Noise/Land Contamination

Air Quality - Due to the car free nature of the scheme the development would not significantly add to existing air quality problems within the locality. The City Council's Environmental Health Officer agrees with the finding of the submitted Air Quality Assessment and is satisfied that the layout within the building has been designed to protect occupiers from the health risks associated with poor air quality within the area.

Noise

Although the City Council's Environmental Health Officer has raised no in principle objection on noise grounds, given the close proximity of the site to possible late night sources of noise disturbance (pubs, clubs and bars), the use of a more stringent insulation scheme, than that proposed within the submitted noise report, is recommended. Precise details of noise insulation measures can be controlled through an appropriately worded condition to address the EHO's concerns and preserve the amenity of future occupiers.

Land Contamination

Subject to conditions no objections have been raised by the Environmental Health Officer in respect of land contamination issues.

Ecology

An updated assessment of the ecological conditions on the site has been carried out as part of the submitted application and the remaining habitats were broadly similar to those recorded in 2009. As the site is of negligible nature conservation value no ecological impacts are anticipated as a result of the proposed development. It is recommended that biodiversity enhancements are provided as part of the landscaping scheme, precise details of which can be controlled through condition.

Archaeology

The application site was subject to archaeological evaluation in the context of the previous application DER/12/08/01676. Little archaeological significance was identified in the current proposal area, though well-preserved remains of 19th century cellarge were identified and recorded in the adjacent area to the east. All of the archaeological work associated with this application has been completed, reports submitted and archives deposited, including a historic building record of the surviving tram tracks and surfaces within the site. Accordingly the requirements of policy E21 of the CDLPR have already been addressed.

Conclusion:

There are no in principle land use policy objections to the proposed use. The site is located within the defined University District where policy LE3 of the CDLPR

promotes development associated with the University of Derby. The proposal is also considered to be in keeping with the general character / amenity of the area and, subject to the submission of a satisfactory parking layout, would not have significant traffic management implications.

Whilst the proposal is of a substantial scale, taking into account the impact of the revisions on key short, medium, and long distance views, it is considered that the proposal, as amended, would not harm the setting and significance of nearby listed buildings or the character, appearance and significance of the Friar Gate Conservation Area. The proposals also demonstrate that future access up to, and over, Friar Gate Bridge would not be precluded and could be realised in the future.

8. Recommended decision and summary of reasons:

- A. To authorise** the Director of Director of Strategic Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.
- B. To authorise** the Director of Director of Strategic Partnerships, Planning and Streetpride to **grant permission** upon conclusion of the above Section 106 Agreement.

Summary of reasons:

The proposed use is considered to be appropriate in this location and the development would preserve the setting and significance of nearby listed buildings, together with the character, appearance and significance of the Friar Gate Conservation Area. Subject to compliance with the attached conditions, the proposal would not have an adverse impact on the surrounding highway network, or flood risk matters, would provide a high quality living environment and would not unreasonably impact upon the amenity of neighbouring properties. Accordingly the development would comply with the statutory duties of The Planning (Listed Building and Conservation Areas) Act 1990, The National Planning Policy Framework and the saved policies within the adopted City of Derby Local Plan Review.

Conditions:

1. Standard 3 year time limit condition
2. Approved plan reference condition:
 - Site Location Plan – Drawing No. (00) 001 rev. P4
 - Proposed Site Plan – Drawing No. (00) 002 rev: P1
 - North Elevation - Drawing No. (20) 101 rev. P2
 - East Elevation - Drawing No. (20) 102 rev. P2
 - South Elevation - Drawing No. (20) 103 rev. P2
 - West Elevation – Drawing No. (20) 104 rev. P2
 - Ground and First Floor GA – Drawing No. (20) 001 rev. P4
 - Second and Third GA – Drawing No. (20) 002 rev. P3

- Fourth and Fifth GA – Drawing No. (20) 003 rev. P3
 - Sixth and Seventh GA – Drawing No. (20) 004 rev. P3
 - Eighth Floor GA – Drawing No. (20) 005 rev. P3
 - Stair Elevations – Sheet 01 – Drawing No. (20) 100 rev. P1
 - Stair Elevations – Sheet 02 – Drawing No. (20) 101 rev. P1
3. Condition controlling external materials and finishes
 4. Condition controlling details of windows, doors and their reveals
 5. Condition controlling precise details of cladding and window alignment
 6. Condition controlling the submission of a precise landscaping scheme
 7. Condition requiring the implementation of the approved landscaping scheme
 8. Condition controlling surfacing materials
 9. Condition controlling details of boundary treatment
 10. Condition requiring the submission and implementation of a surface water drainage scheme
 11. Condition requiring the implementation of the approved cycle parking prior to occupation
 12. Condition controlling energy efficiency measures
 13. Standard contaminated land condition
 14. Condition controlling details of flue/vents/plant on the building
 15. Condition relating to the removal and reinstatement of the listed tram tracks
 16. Condition controlling finished floor levels
 17. Condition requiring the submission of a wildlife enhancement scheme for the site
 18. Condition controlling external lighting of the building, staircase and public realm
 19. Condition requiring the submission/implementation of a security management strategy
 20. Condition requiring the submission of a construction management plan
 21. Condition controlling precise details and implementation of noise insulation measures
 22. Condition controlling detailing of the joint between the bridge and the proposed development
 23. Condition controlling on-site operational and disabled persons parking

Reasons:

1. Standard time limit reason
2. For the avoidance of doubt

3. In the interests of visual amenity and to preserve the character and appearance of the conservation area and setting of nearby listed buildings... in accordance with saved policies E18, E19, E23 and GD4
4. In the interests of visual amenity and to preserve the character and appearance of the conservation area and setting of nearby listed buildings... in accordance with saved policies E18, E19, E23 and GD4
5. In the interests of visual amenity and to preserve the character and appearance of the conservation area and setting of nearby listed buildings... in accordance with saved policies E18, E19, E23 and GD4
6. In the interests of visual amenity...in accordance with saved local plan policy E17
7. In the interests of visual amenity...in accordance with saved local plan policy E17
8. In the interests of visual amenity and to ensure satisfactory drainage...in accordance with saved local plan policies E18, E19, E23, GD3 and GD4
9. In the interests of visual amenity and to preserve the character and appearance of the conservation area and setting of nearby listed buildings... in accordance with saved local plan policies E18, E19, E23 and GD4
10. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site....in accordance with saved local plan policy GD3
11. To encourage sustainable transport methods....in accordance with saved local plan policy T7
12. There are opportunities to incorporate energy saving features into the scheme...in accordance with saved local plan policy E10
13. In order to safeguard human health and the water environment...in accordance with saved local plan policy E13
14. In the interests of visual amenity and the preserve the amenity of neighbours...in accordance with saved local plan policies E18, E19, E23, GD3, GD4 and GD5
15. To safeguard the recording/preservation of these designated heritage assets...in accordance with saved local plan policy E19
16. To reduce the risk of flooding to the proposed development and future occupants....in accordance with saved local plan policy GD3
17. In the interests of wildlife preservation and enhancement....in accordance with saved local plan policy E4
18. In the interests of visual amenity and the preserve the amenity of neighbours...in accordance with saved local plan policies E18, E19, E23, GD3, GD4 and GD5

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Type: Full

19. In the interests of community safety...in accordance with saved local plan policy E24
20. The preserve the amenity of neighbouring properties...in accordance with saved local plan policy GD5
21. The preserve the amenity of neighbouring properties...in accordance with saved local plan policy GD5
22. To safeguard the character, appearance and integrity of the listed building....policy E19
23. In the interests of a satisfactory overall development of the site... in accordance with saved local plan policies GD4, GD5, T4 and T10

Informative Notes:

None.

S106 requirements where appropriate:

Contributions towards, Incidental & major open space, public realm, public art, health and swimming pools are sought.

Application timescale:

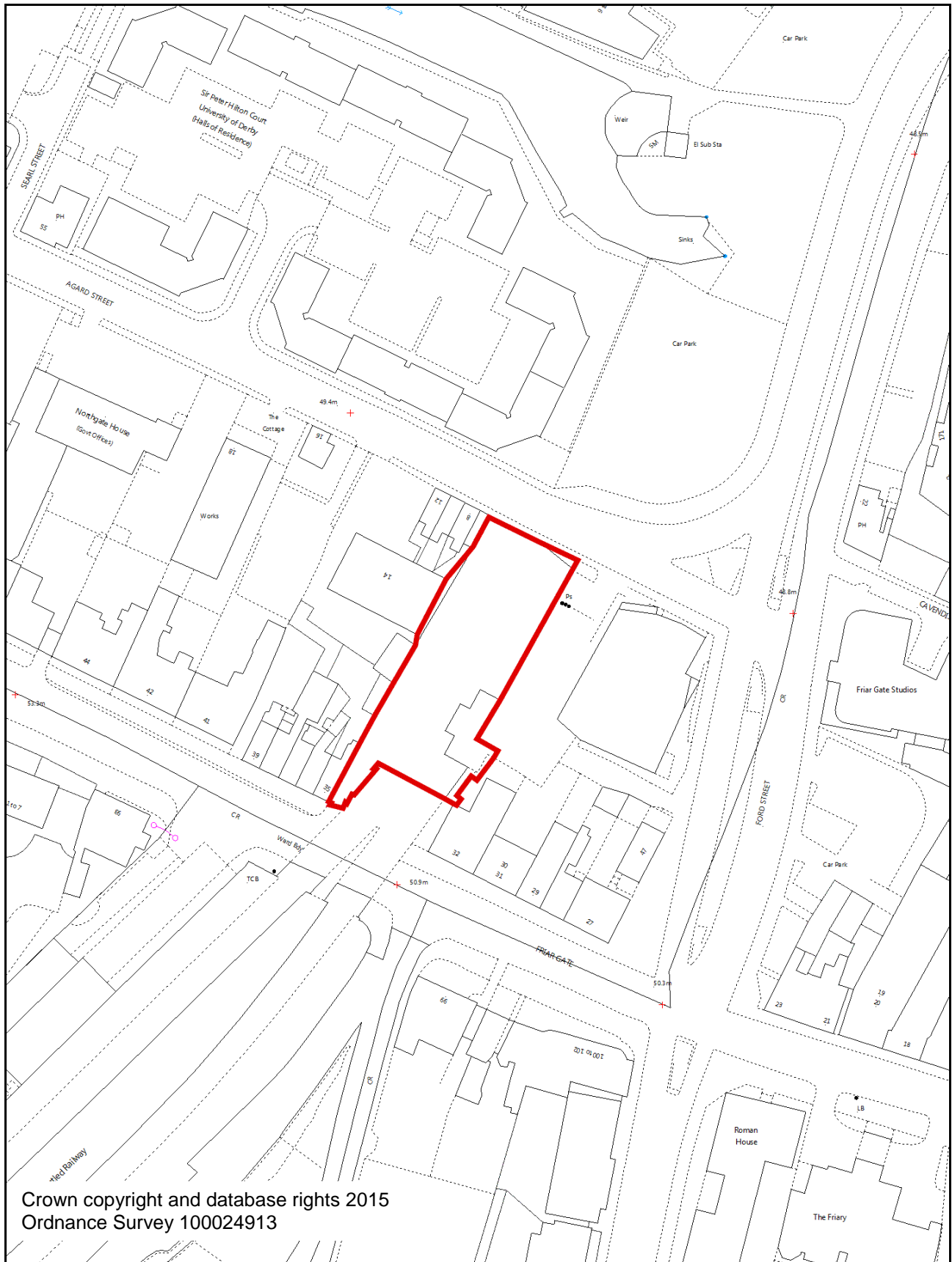
The 13 week target date for the determination of this application expired on the 16/11/2015 and an extension of time has been agreed with the applicant.

Classification: OFFICIAL

Committee Report Item No: 1

Application No: DER/08/15/01042

Type: Full



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Classification: OFFICIAL

1. Application Details

Address: Land south of Mansfield Road and at junction of Lime Lane, Oakwood.

Ward: Oakwood

Proposal:

Residential development of up to 250 dwellings, formation of vehicular access onto Mansfield Road, provision of open space, landscaping and surface water attenuation pond.

Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal= DERBY DCAPR 98062>

Brief description:

This application relates to a greenfield site, which lies to the south of Mansfield Road, Oakwood in the north east corner of the city. The city boundary with Erewash Borough is located to the north of the site along Mansfield Road and Lime Lane. The north east edge of the site has a field access which is served off the junction of Mansfield Road and Lime Lane.

The site area is approximately 10.3 hectares and is agricultural land, which is currently used for growing crops. The fields are bordered by mature hedgerows and trees, with a further group of trees towards the western edge of the site. The land slopes uphill from Mansfield Road and Lime Lane towards the housing areas of Oakwood to the south and west of the site. There is an existing footpath/ cycle route running alongside the south west boundary of the site linking Porters Lane and Diamond Drive and a pedestrian entrance to Chaddesden Wood at the south east tip of the site, adjacent to Foxglove Drive. Chaddesden Wood is a Local Nature Reserve and lies outside the development site to the south east. The Northern Greenway, footpath and cycle route runs east to west to the north of Mansfield Road in close proximity to the northern edge of the site.

Outline permission is sought for residential development on the site, for up to 250 dwellings and associated infrastructure, open space and drainage pond. Means of access is to be determined at this stage and proposes a single access for the development onto Mansfield Road. The access would be in the form of a junction with a priority right turn lane. A new pedestrian crossing on Mansfield Road is also proposed to provide pedestrian access to the development from the Northern Greenway to the north.

An illustrative masterplan and street sections have been submitted in support of the application which shows a suggested layout and street design with the provision of landscaping and open space. The retention of most trees and hedgerows is indicated and the formation of new footpaths and cycle ways is also shown to link with existing routes to Chaddesden Wood and the existing footpath/cycle route to Porters Lane. A drainage pond is proposed to be sited in the north east part of the site close to the

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Type: Outline (with means of access)

Lime Lane junction with Mansfield Road to deal with surface water run-off from the development and minimise flood risk. The submitted master plan and sections are at this stage, indicative only and do not form part of the application to be determined. They give an indication solely of how the site may be developed for the proposed housing development. Only the access onto Mansfield Road is for determination under this outline submission.

The outline application is accompanied by various supporting documents, which include an Arboricultural Impact Assessment, Design and Access Statement, Flood Risk Assessment, Ecological Appraisal, Transport Assessment and Travel Plan, Phase I Environmental Risk Assessment (for land contamination) and Utilities Report.

2. Relevant Planning History:

None relevant.

3. Publicity:

Neighbour Notification Letter: 23 letters sent.

Site Notice

Statutory Press Advert

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

Prior to the submission of the application, the applicant carried out public consultation engagement with the local community. This included a press release and introduction of a web site to invite feedback. A public exhibition event also took place in March 2015 and a display at the Oakwood Neighbourhood Forum.

A Statement of Community Involvement has been submitted to provide details of the consultation undertaken and the responses which were received from the public.

4. Representations:

To date, 156 representations have been received to the application, which includes 149 objections and a petition with about 1300 signatures submitted by Friends of Chaddesden Wood, 5 comments and 1 support. Objections have been received from Cllr Barker of Oakwood Ward and Breadsall Parish Council. The main issues raised are as follows:

- Significant impact on local facilities and infrastructure
- Significant increase in traffic on local roads
- Brownfield sites should be developed rather than Green Wedges
- The proposed access would result in potential traffic hazard for vehicles, pedestrians and cyclists using the access
- There would be an increase in flood risk
- Development should be providing housing for the elderly

- Loss of natural habitat and wildlife as result of development
- Lack of school places in local area to serve the development
- Loss of openness and countryside
- Disturbance to wildlife and biodiversity in Chaddesden Wood LNR
- Loss of Green Wedge
- Green Wedge should be protected through the Local Plan
- Impact of increased traffic on villages including Breadsall
- Increase in number of proposed dwellings (from Local Plan allocation) from 200 to 250 dwellings

5. Consultations:

Highways DC:

The application seeks outline permission with all matters reserved, except for access. Access in this context, refers to connection to the highway network and travel to and from the site by all modes. The design of the housing estate roads will be considered at a later date via a reserved matters planning application.

The NPPF set out below is the criteria against which the highway impact of the proposed development should be tested. It is important that this is the criteria used as the Secretary of State will use NPPF to test the suitability of the above proposal should the application go to appeal.

Paragraph 32 of the NPPF says:

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

The NPPF presumes in favour of sustainable development and consequently is seeking to influence developers to put in place measures to provide opportunity and encouragement for future residents to choose to travel by non-car modes, wherever this is realistic and feasible i.e. measures to encourage walking, cycling and travel on public transport.

Walking – Manual for Streets says “Walkable neighbourhoods are typically characterised by having a range of facilities within 10mins (up to 800m) walking

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distance of residential areas which residents may access comfortably on foot. Other guidance entitled 'Providing for Journeys on Foot', says other than in town centres commuting and walking to school the distances should be between 500m (desirable) and 2000m (maximum) and for other walking journeys 400m to 1200m. The transport assessment sets out a range of local facilities which lie within 2km or approximately 25mins walking time of the above site.

Improved crossing facilities over the A608 will be provided as part of the new access arrangements.

Cycling – the site is well located in relation to a number of existing cycle routes which link to the A608 at Porters Lane. The developer will provide a 3m wide footway/cycleway between the proposed site access and Porters Lane as part of the access improvements.

Public Transport – the table below shows the current bus services passing the site on the A608. It is considered the site lies within a reasonable distance of the bus route. The developer has agreed to relocate the bus stop to a more suitable location to serve the proposed housing, to provide a bus stop, bus boarder and real time information. This is subject to a recommended condition.

Service	Operating Days	Frequency	Route
59	Mon-Sat 0843 to 17:43	Hourly	Derby-Stanley Common-Ilkeston- Shipley View
H1	Mon-Sat 06:52 to 23:12	Every 20 mins	Derby-Heanor- Alfreton
	Sun B/Hol 09:42 to 18:12	Every 20 mins	
Y1	Mon-Sat 06:47 to 23:07	Every 20 mins	Derby-Smalley- Heanor- Ripley/Alfreton
	Sun B/Hol 09:27 to 17:57	Every 20 mins	

Proposed Access:

Access to the site is to be taken direct from the Mansfield Road by means of a 'ghost island' priority junction. This means that the A608 will be widened to provide sufficient space in the centre of the road to allow a driver to wait safely whilst turning right into the site. The applicant is also proposing to form a gateway to the east of the access to seek to slow vehicle speeds as drivers enter the extended urban area details of the gateway will be agreed through the reserved matters process.

Traffic Impacts:

The NPPF suggests that the impact of the residual trips (i.e. the remaining car trips after travel by other modes has been taken into account) should be mitigated as long as it is affordable in the context of the value of the development.

The Government does not define 'severe impact'. The Council takes the view that in this context 'severe' can relate to congestion, but definitely relates to safety. In cities

where road space is limited and therefore so is capacity, the emphasis is now more about managing traffic flows and encouraging modal shift rather than trying to seek to continually increase network capacity. Increasing capacity in a mature built environment generally frustrates development and causes tension as this can mean property has to be demolished to make way for additional road space. It also often means that releasing one bottle neck simply causes another one further down the corridor.

Traffic Modelling

Traffic Generation – The predicted trip generation of any particular development is obtained from a national data base of traffic surveys called 'TRICS', which is the industry standard methodology. Transportation colleagues suggest the 250 dwellings proposed at the above site are likely to produce approximately 150 to 170 additional two-way trips in each peak hour (see **Table 1** below).

Table 1 85 th ile Trip Rates	In	Out	Total
Am Trip Peak	0.171	0.422	0.593
Trips	43	106	149
Pm Trip Peak	0.412	0.257	0.669
Trips	103	64	167

Trip Distribution –Traffic Impact – The developer suggests that the split of trips at the access will be approximately 80% westbound towards Derby and 20% to the east. The east bound trips will split again at the A608/Brookside Road/Lime Lane junction with some of the trips going through Breadsall, some towards Heanor and some along Lime Lane. The impact of trips going towards Breadsall and Heanor are a matter for Derbyshire County Council.

The trips heading towards Derby in the AM peak will join a rolling queue which forms from the traffic signals into the Meteor Retail Park. These traffic signals effectively meter the traffic, some of which will pass through Chester Green and some will head for the A61. These routes are already congested as are most routes into the City in the peak hour. However it is considered unlikely that the impact of the above development could be considered severe, and the actual is most likely to be peak spreading i.e. people choosing to travel earlier or later such that the peak traffic conditions last for longer.

No highway objections subject to conditions to control details the proposed access and gateway feature, pedestrian crossing, footway and bus stop and secure a construction management plan, wheel washing facility and travel plan.

Highways Land Drainage:

No objections to the application.

1. The infiltration tests carried out as part of the Flood Risk Assessment (FRA) demonstrate that infiltration cannot form the primary method of discharging water from the site. However it should be possible to use partial infiltration such as permeable paving for driveways etc. with secondary drainage systems.

2. It is stated in the FRA that this site discharges to a watercourse that in turn discharges into the old railway line north of Mansfield Rd. The railway line is believed to be drained by a watercourse through Breadsall which is known to have flooding problems. Currently the site discharges in an uncontrolled manner generating high flows in more extreme storm events. The FRA proposes to limit discharge to 21.5 l/s Qbar (the mean annual flood flow) this will have a positive impact on the flood risk to Breadsall from the more extreme rainfall events.
3. The FRA acknowledges that it has been undertaken as a strategic level assessment which is suitable for the outline planning application. However a detailed analysis of the onsite drainage system will be required for the reserve matters application.

Conditions are recommended to secure details of a surface water drainage scheme for the site based on the flood risk assessment and sustainable drainage principles.

Natural Environment:

Trees

The site is covered by an Area Tree Preservation Order (TPO 31). The only part of the site not covered by the Order is the pedestrian/ cycle path to the western boundary of the site. The order dates from December 1985 and only protects trees which were present at that time.

There is also TPO 247, which consists of three groups of trees within the site and TPO 24, a number of group orders, which covers the trees along the edge of the existing housing on Diamond Drive, Primrose Close, Hemlock Close and Foxglove Drive.

Chaddesden Wood to the south east of the site is protected by TPO 1, a woodland order. This woodland is also Derby's first local nature reserve.

Having considered the findings and recommendations of the submitted British Standards 5837:2012 Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan, following a site visit, I agree with the majority of the findings of the submitted arboricultural report.

However, I question the removal of hedgerow trees and adjoining hedgerow to facilitate the proposed primary vehicular route and visibility splay off Mansfield Road. I feel the removal of these trees and hedgerow would be regrettable, particularly as it is proposed to establish a proposed public right of way within a landscaped corridor adjoining Mansfield Road, which the existing hedgerow trees and hedgerow would greatly contribute towards as well as helping to screen the proposed development from Mansfield Road. The location of the access should be reconsidered and moved towards the east towards Lime Lane, such that fewer trees and hedgerow are removed.

Rights of Way

There are no recorded public footpaths running over the proposed housing site.

To the west of the proposal, Public Footpath 15 – Breadsall runs between the back of properties on Lindford Close and the site.

It is noted in the submitted Supporting Planning Statement that connectivity to the existing footpath network will be enhanced with new footpaths and cycle ways incorporated through the site. The proposed new routes will connect into existing routes such as Bridleway 19 - Breadsall and will strengthen links to The Great Northern Greenway. Both of these routes are outside the city boundary.

The submitted Illustrative Masterplan and Landscape Masterplan show proposed new footpaths and cycle ways with links towards the existing routes previously mentioned as well as towards Chaddesden Wood. While it is not clear from the submitted Illustrative Masterplan and Landscape Masterplan where it is intended to link into The Great Northern Greenway to the north of Mansfield Road, there is also some discrepancy between the submitted Illustrative Masterplan and Landscape Masterplan in terms of routes shown around the proposed pond.

Overall though, the routes identified are to be welcomed and will certainly enhance the path network in this area.

The only link which the proposed development doesn't seem to provide for is to the existing housing to the east of the site, beyond the remaining green wedge, off Limesdale Avenue. While it would be advantageous to provide a link to this existing path, which runs to the east of Chaddesden Wood, preferably following the desire line just to the north of Chaddesden Wood, it should be noted that many of the existing paths adjoining the site appear to have footpath status only.

Environmental Services (Health – Pollution):

Recommend planning conditions to secure submission of Phase I and II land contamination assessments and where contamination is identified, secure a remediation method statement and validation report.

A Construction Management Plan is recommended due to the proximity of sensitive receptors (residential properties) for the control of noise and dust through the construction phase of the development.

Noise management procedures should have regard to the guidelines described in BS5228 or other agreed guidance/ standards. Recommend a condition to secure this and approve before construction commences.

Given the proximity of residential properties, the plan should state as a minimum:

That contractors limit noisy works to between 07.30 and 18.00 hours Monday to Friday, 07.30 and 13.00 hours on Saturdays and no noisy work on Sundays and Bank Holidays.

There should also be no bonfires on site at any time.

DCC Archaeologist:

The western part of the development area is within a site on the Derbyshire HER, the probable deserted medieval settlement of 'Nether Breadsall'. Further archaeological potential is suggested by a find of Anglo-Saxon gold sheet just to the east and of Roman/medieval pottery 120 metres to the west and 270 metres west.

The site therefore has archaeological potential for remains of medieval and perhaps also Roman/Anglo-Saxon date.

Following submission of a desk-based Archaeological Assessment and a Geophysical Survey of the site for archaeological evidence, the following comments were received:

The applicant has submitted a geophysical survey which shows archaeological remains on approximately a third of the site; geophysics is not a fool proof technique so the archaeological resource may be more extensive than this. The probable archaeological features are aligned with existing site boundaries and are therefore unlikely to represent prehistoric features.

It is possible that some post-medieval boundaries/drainage have been picked up but because of the known medieval village activity in the area the features seem most likely to represent medieval land boundaries, perhaps including areas of settlement with house platforms. If this is the case then the remains could be of county/regional significance, but because subject to truncation through arable ploughing is unlikely to attain national importance.

The applicant has provided a covering letter setting out a proposed scheme of mitigation, to comprise evaluation trial trenching following outline consent but before layout design and reserved matters, followed by further excavation (or preservation *in situ*) of significant areas to be carried out before commencement of the development.

I recommend that the proposed mitigation approach is appropriate in this case, because of the relative ease of interpretation of the geophysics results, and the outline nature of the application meaning that there is scope for evaluation to inform detailed design before a reserved matters application.

Conditions should therefore be attached to any planning consent, in line with NPPF para 141 to secure an Archaeological Written Scheme of Investigation and evaluation prior to submission of a reserved matters application.

Environment Agency:

No objections to the proposed development, which would be acceptable, provided a planning condition is included to secure details of a surface water drainage scheme for the site, based on sustainable drainage principles and condition to ensure improvement of the existing sewerage system for the development, to minimise flooding, pollution and protect water quality.

Derbyshire Wildlife Trust:

The Ecological Appraisal appears to have used reasonable effort in the survey, reporting and production and broadly concur with the appraisal and its findings subject to the survey being carried out in 2013. The key ecological features which have been assessed are as follows:

Hedgerows – All represent UK Biodiversity Action Plan Priority Habitat. Bat commuting and foraging activity along existing hedgerows.

Veteran/ Mature trees – Within hedgerows with value in their own right and potential bat roosts. 7 trees with potential were assessed and no roosts were located. This

may have changed since initial assessment and further survey works will be needed. A review of all trees should be undertaken as part of a Reserved Matters submission and implemented via a condition.

Breeding birds - A number of UK BAP Species breeding species were recorded. Ground nesting species such as Grey-legged Partridge and Skylark could also breed on the site depending on crop rotations and management.

Badgers – No setts were observed during the survey, although they may have colonised the area since then. Additional surveys will be required to assess this and should form part of a Reserved Matters submission and be subject to a planning condition.

The Masterplan shows retention of existing hedgerows and trees in outward facing locations rather than on rear curtilages of properties gardens. Welcome this approach and recommend that a condition is imposed to required retention in the detailed scheme. All retained hedgerow and trees should be protected during construction with fencing and this should be secured by condition. The footpath feature along east of the site provides a buffer to the development but its narrow in its extent (approx. 20 metres).

The proposal indicates an open water attenuation SuDs feature and ditch network on the northern and eastern boundary of the proposal. Welcome the wetland feature and acknowledge that the position of the SuDs basin is dictated by the topography of the site. Recommend that the design and planting specification of the open water feature is subject to a planning condition.

The Appraisal acknowledges that the hedgerows are used by commuting bats and that sensitive lighting should be introduced in areas along these features and footpath linkages should also be lit with appropriate lighting. Recommend that a lighting design plan is subject to a planning condition. A range of biodiversity features are proposed and these should be reflected in the reserved matters submission.

Breeding birds are protected and no vegetation clearance should be undertaken unless it can be demonstrated by a suitably qualified person that no nesting birds are present. This should be conditioned on the permission.

The sites infrastructure will require on-going management throughout the life-time of the proposal's occupation. Recommend that a detailed management plan is conditioned on the outline permission. This should cover all elements of the scheme including hedgerow maintenance, verge cutting, SuDs management for flood attenuation and biodiversity, public open space/ footpath network.

Further comments received in regard to Chaddesden Wood:

Welcome use of the Section 106 Agreement to ensure delivery of biodiversity elements of the proposal, which include:

- Contribution towards improvements to Oakwood Park
- Contribution towards improvements and maintenance of Chaddesden Wood.
- Maintenance of the on-site drainage solution.

The item 'contributions to improvements & maintenance of Chaddesden Wood' is the principal mechanism that will achieve compliance with the policy AC26(f). It may be useful to add Chaddesden Wood Local Nature Reserve and incorporate a plan to identify the area clearly. Appreciate that further detail will be supplied at Reserved Matters stage. The policy indicates achieving expansion of Chaddesden Wood. Recommend that if this is likely to apply to areas outside the application site in blue land and/ or Chaddesden Wood LNR it should be identified in outline submission and the Section 106.

Police Liaison Officer:

No objections to the principle of residential development from a community safety perspective. The applicant raises designing out crime in Section 7 of the Design and Access Statement and future detailed design will take reference from the Secured by Design scheme.

At detailed stage, the footpaths which emerge into areas where there are existing residential properties should open out onto open spaces which are overlooked by an active streetscene.

Derbyshire County (Highways):

Following submission of revisions to access layout and traffic flow distribution information, no objections have been received in regard to impact on the County's road network.

Erewash BC:

Policy E16 (Development Near to Important Open Land) of the adopted Derby Local Plan Review relates to development near to important open land (such as the Green Belt in Erewash which is located to the north of this proposal above Mansfield Road and Lime Lane) and requires that adequate landscaping is provided to ensure that the visual amenities and special character of these open spaces is not adversely affected. Erewash Borough Council therefore welcome the proposed landscape strategy responses especially the proposal to set back development from the junction of Lime Lane/Mansfield Road and Brookside Road and likewise the setting back of development from Mansfield Road and additional planting in this proposed 'open space corridor' which will sit behind the existing Mansfield Road trees and hedge.

We would also like to make the point that development in this location could place more pressure in the future for development in the Nottingham-Derby Green Belt. Nottinghamshire and Derbyshire County Councils undertook a review of the Green Belt in 2006 providing guidance as to the relative importance of different Green Belt purposes around the whole of Greater Nottingham. It highlighted the area between Nottingham and Derby, mostly located throughout Erewash Borough, as having the most sensitive area of Green Belt in relation to the purposes of Green Belt set out in government policy. Erewash BC would oppose development in its Green Belt as we have a recently adopted Core Strategy which contains a special strategy of urban concentration with regeneration. This makes the most of existing infrastructure, takes account of the significant regeneration challenges faced by Ilkeston, and recognises the importance of protecting the openness of the Green Belt between Nottingham and Derby.

6. Relevant Policies: *Saved CDLPR policies*

GD1	Social Inclusion
GD2	Protection of the Environment
GD3	Flood Protection
GD4	Design and the Urban Environment
GD5	Amenity
GD7	Comprehensive Development
GD8	Infrastructure
H11	Affordable Housing
H13	Residential Development – general criteria
E2	Green Wedge
E4	Nature Conservation
E5	Biodiversity
E7	Protection of Habitat
E9	Trees
E10	Renewable Energy
E16	Development close to important open land
E17	Landscaping schemes
E19	Buildings of historic importance
E21	Archaeology
E23	Design
L2	Public Open Space Standards
L3	Public Open Space requirements in new development
L4	New or Extended public open space
L5	Outdoor Recreation
T1	Transport Implications
T4	Access, parking and servicing
T6	Provision for pedestrians
T7	Provision for cyclists
T8	Provision for public transport
T15	Protection of footpaths, cycle ways and routes for horse riders

The above is a list of the main policies that are relevant. Members should refer to their copy of the CDLPR for the full version or access the web-link.

<http://www.cartogold.co.uk/DerbyLocalPlan/text/00cont.htm>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

7. Officer Opinion:

Key Issues:

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

- Policy Principles
- Green Wedge
- Traffic Implications and access
- Urban Design and amenity
- Environmental Impacts

Policy Principles

This is an outline application for residential development on a greenfield site, which covers approximately 10.3 hectares to the north of Oakwood at Breadsall Hill Top. The site is currently agricultural land, which abuts established residential areas, east of Porters Lane and north of Foxglove Drive. The topography of the land slopes gently downhill from north to south towards Breadsall village. The site lies on the edge of the city boundary, where it borders Erewash along Mansfield Road and Lime Lane.

The proposal is for the erection of up to 250 dwellings with a principal vehicular access formed off Mansfield Road to the north, to be determined as part of the outline submission. Associated infrastructure, including public open space, landscaping, footpaths/ cycle ways and surface water attenuation pond are also proposed, although the details of these would form part of a detailed reserved matters submission.

The application site is wholly within the Green Wedge, which covers an area north of Oakwood, defined under Policy E2 in the adopted Local Plan Review. The site is also in an area identified under Policy L5 (3) for outdoor recreation uses of an open nature.

There are identified areas of ecological interest in proximity to the site. To the north of Mansfield Road is the Breadsall Railway Cutting Northern Greenway, which is a designated SSSI and Chaddesden Wood to the south of the site is a Local Nature Reserve (LNR). The trees on and around the site are protected by a number of Tree Preservation Orders, including an area Order which covers all the trees on the site.

A public right of way runs along the south western boundary of the site, which is a hard surfaced footpath/ cycle route between Porters Lane and Diamond Drive.

A significant factor in determining this application is the amount of weight to give the various local and national planning policy considerations. These include the National Planning Policy Framework, the adopted City of Derby Local Plan Review, the City Council's Pre- Submission Core Strategy- Local Plan Part 1 and the Council's 5 year housing land supply position.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 and has made significant changes to government guidance on planning decision making which are very relevant in the case of this application.

The golden thread which runs through the NPPF (paragraph 14) is a “presumption in favour of sustainable development”. Paragraph 47 also sets out the Government’s objective to “boost significantly the supply of housing”. Both of these objectives are clearly relevant in determining the application.

In terms of decision taking the “presumption” is defined as:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - b) specific policies in this Framework indicate development should be restricted.

It is important to remember that the NPPF provides a policy framework for a whole range of planning related issues and not just housing. The thread of ‘Sustainable Development’ is embedded in these policies and is therefore probably the most important factor in decision making.

A further key issue for this application resulting from the NPPF is set out in paragraph 48. This sets out a requirement for local authorities to maintain a supply of deliverable housing sites to meet needs for at least 5 years. It states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It is important to note that in such cases, only policies relevant to the supply of housing are considered out of date. Policies other than those related to housing supply will still be relevant.

The NPPF therefore requires that local authorities identify and maintain enough deliverable housing sites for 5 years. The definition of ‘deliverable’ means that they are in a suitable location for housing, that the land is available for development and that development would be economically viable.

It is considered that the non-housing saved policies of the CDLPR have a high level of consistency with the NPPF and should, therefore, continue to be the starting point for all decisions and given a significant amount of weight in this and any other application. However, the adopted housing supply policies are now out-of-date.

Housing Land Supply

Currently, the City Council cannot demonstrate a 5 year supply of deliverable housing sites and is seeking to identify its housing needs and meet them through the Core

Strategy process. Until the Core Strategy is formally adopted many of the sites identified in the plan cannot be counted in the five year supply.

Derby City Local Plan – Part 1: Core Strategy

On 26 November 2014, Full Council approved the amendments to the Core Strategy and undertook to carry out a final 'pre-submission' consultation before it is submitted to the Secretary of State for examination by an independent Planning Inspector. The pre-submission consultation, to test the soundness and legal compliance of the Strategy has been carried out and it is anticipated that submission to the Secretary of State will be in December 2015.

Now that the Core Strategy has reached this stage, it can be given weight in decision making according to the stage of preparation of the Plan, the extent of any unresolved objections to relevant policies and the degree of consistency of the policies of the emerging plan with the NPPF.

The emerging Core Strategy is considered to be highly consistent with the NPPF but has not yet been submitted.

It proposes the allocation of land south of Mansfield Road for housing although it should be noted that the area of the proposed allocation is slightly smaller than the application area. There are outstanding objections to the allocation of the site for housing in the emerging Plan and the weight which can be accorded to the emerging policy is therefore limited.

However, the evidence base which supports the Plan is also a material consideration and has been used in the determination of other recent planning applications. This evidence includes a Green Wedge Review, an assessment of housing needs and a Strategic Housing Land Availability Assessment among other things. The Green Wedge Review has been accorded weight by Planning Inspectors at recent appeals involving housing proposals in green wedges and is therefore a relevant consideration in the determination of this application. The Green Wedge Review and its relevance to the application are discussed in more detail below. It can be considered that, subject to amendments being made following the examination, this is the plan which the Council considers to be both sound and legal. However, at the present time, and although the Core Strategy is based on up-to-date and robust information, limited weight can be attributed to the document until it progresses through to the submission and examination stages.

The application site is identified, along with a number of other brownfield and greenfield strategic sites, in the emerging Core Strategy to help meet Derby's housing needs up to 2028. In this instance Policy AC26 identifies the application site for up to 200 dwellings. The policy provides nine criteria which sets out what the Council will require as part of the development and the form of the development and the mitigation are consistent with AC26.

The application states that development will deliver up to 250 dwellings which is 50 more than set out in the Core Strategy. It is for the applicant to demonstrate, via the reserved matters submission(s) that the site can satisfactorily accommodate an additional 50 dwellings, beyond the 200 which are identified in the policy.

With regard to the red-edged site boundary, the application extends further eastwards when compared to the allocation in AC26 of the Core Strategy and as a result increases the site area from 8.3 hectares (as set out in the Core Strategy) to 10.35 hectares. The site boundary and hence the area, shown in Policy AC26 was informed by the Council's Green Wedge Review and ensures that the form, function and open nature of the remaining wedge is not adversely affected. The applicant's Illustrative Masterplan indicates that the built part of the site follows the allocation shown in the Core Strategy policy and that the additional land will be used for landscaping and a surface attenuation pond which will form part of the site's sustainable drainage system. The inclusion of a condition ensuring that the built form does not extend further eastwards into the Green Wedge, would be appropriate to ensure accordance with the emerging policy.

The Core Strategy, through Policy CP18, also seeks to retain the principle of the City's Green Wedges and continues to retain the open nature by restricting certain types of development.

Green Wedge Review

The Green Wedge Review (GWR) was published in 2012 to support the emerging Core Strategy. The purpose of the review was to determine the role and function of all of the thirteen wedges in the city and to assess whether there was any opportunity to change their boundaries to accommodate new housing development.

The application site lies within the North Oakwood Green Wedge. It is recognised that this specific wedge helps enhance the urban structure of the City by separating Oakwood and Chaddesden.

Paragraph 17.19 of the review notes that development in this area could be visually prominent from the north and there may be potential for residential development in the western part, whilst maintaining the principle of the Green Wedge.

The Green Wedge Review continues in paragraph 17.20 by recognising that 'development in this area could provide opportunities to improve access to the remaining Green Wedge, creating opportunities for new open recreation and provide potential for qualitative improvements to existing areas of open space and local nature reserves. Unfortunately, there is no obvious boundary to delineate a revised site. Utilising the line of the existing hedgerow could potentially lead to built development intruding too far to the east and would lead to development within a more sensitive part of the wedge, close to the axis. Any development within this wedge will need significant landscaping to try and mitigate the visual impact'. Reiterating the Council's long-term commitment to protecting the principle of the City's Green Wedges and reflecting the findings of the Green Wedge review, the Core Strategy allocation ensures that the form and function of the wedge itself is not compromised.

The results of the GWR as well as other considerations including the need to meet the city's housing land requirements, have led to this part of the North Oakwood Green Wedge being identified in the Core Strategy, Policy AC26, as a proposed housing allocation. The area identified for development in the indicative masterplan

broadly conforms to the allocation in the emerging policy, for the delivery of housing. The proposal for up to 250 dwellings is in excess of the number of dwellings identified in the allocation. The submission includes proposals to form green corridors and new footpaths and rights of way to provide linkages with existing areas of open space and public rights of way. This is in line with the findings of the GWR for this location.

Saved City of Derby Local Plan Review policies

Policy H13 relates to the general criteria by which to assess residential development proposals. The policy seeks to ensure that a satisfactory form of development is provided, which safeguards residential amenities and forms high quality living environment, achieves appropriate housing densities and interesting urban forms and townscape design.

The submitted Illustrative masterplan demonstrates that the application site could accommodate an interesting townscape and residential layout, which complements the surrounding housing area. The number of units proposed is a maximum but a suitable density and scale of development would be negotiated and secured as part of a reserved matters scheme for the site. A high quality urban design and layout could be achieved within the site, which is in line with H13.

Policy H11 requires affordable housing to be provided for the scale of this development, to meet a housing need in the local area. The proposal is intended to provide up to 30% affordable housing within the development, although the type and tenure of accommodation has not been specified under this application. The affordable housing element is agreed in principle with the applicant and this is to be secured via the Section 106 Agreement. The form and layout of the affordable accommodation would be submitted under a reserved matters application.

The General Development policies, GD1, GD2, GD3, GD4 and GD5 relate to issues including protection of the environment, flood protection, urban design and amenity. In order to be acceptable the form, scale and layout of the development should seek to satisfy these policies.

Summary of Policy Considerations

The proposal would be contrary to specific policies of the adopted CDLPR, including Policy E2 and L5(3).

However the Council cannot currently demonstrate a five year supply of deliverable housing sites as required by the NPPF. The NPPF therefore requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole or if specific policies in the framework indicate that development should be restricted. However, the lack of a 5 year supply does not mean that the impact on the Green Wedge cannot be carefully considered.

The Pre-submission Core Strategy continues to identify the site as a proposed housing allocation and this has been endorsed by Full Council. The Green Wedge Review indicates that if the proposed development is implemented, the remaining wedge can continue to fulfil its role and function in providing an open gap between the two distinctive areas, helping to define their character and allowing the open

countryside to penetrate into the City from the north. It should be noted that there are elements of the proposal which are compliant with the requirements of Policy AC26 of the Pre-submission Core Strategy.

The benefits of delivering up to 250 homes are significant and would contribute to meeting the City's Objectively Assessed Housing Needs as well as contributing to the five year supply of deliverable housing sites. It is therefore considered that the adverse impacts of the proposals would not *significantly* and *demonstrably* outweigh the benefits and the proposal is acceptable in principle.

Green Wedge

Green Wedge

The site is identified in the adopted City of Derby Local Plan Review (CDLPR) as Green Wedge under Policy E2. It forms part of the Green Wedge which penetrates into Oakwood from the north and includes Chaddesden Wood. Under this policy, development would only be appropriate in very restricted circumstances and the proposed housing development would not be permitted. The proposal is therefore contrary to the policy. Policy E2 is still relevant even though the Council does not have a five year supply of deliverable housing sites because it is not a policy relevant to the supply of housing (an approach that has been endorsed by Inspectors at recent appeals). It should therefore be given weight as a relevant saved policy in the Adopted Local Plan. In this context the proposal to develop the site for housing is contrary to policy E2 of the CDLPR.

The Green Wedge designation on the site is an important consideration in this application since under the adopted Local Plan policy, residential development is not appropriate in this location. Policy E2 seeks to maintain the openness and undeveloped character of the Wedge. Development is limited to a specific range of uses only and has to be justified in accordance with the policy. The proposed residential development would result in the loss of part of Oakwood Green Wedge and lead to a narrowing of the remaining Wedge which extends into the urban area of Oakwood.

The findings of the Green Wedge Review in relation to this part of the Green Wedge, have led to its allocation for housing in the Pre-Submission Core Strategy. The Review concluded that development part of the Green Wedge, could provide opportunities to improve linkages with the rest of the Wedge and enhance open space and landscaping. The wording of Policy AC26 is based on the results of the GWR and allocates the site for residential development.

The absence of a five year supply of deliverable housing sites is also a material consideration in assessing whether the principle of housing on this site is appropriate. The Council has considered a number of applications for housing in Green Wedges in the recent past. In each case, the impact of development on the role, function and character of the Wedge has been carefully considered and balanced against the benefits provided by the housing proposed. This approach has been endorsed in a number of appeal decisions, including the Brook Farm decision. The evidence base prepared for the emerging Core Strategy is material here and has suggested that the Green Wedge in this location performs a limited function and therefore the loss of the

Wedge and open countryside on this site would be outweighed, in this case, by the benefits resulting from the provision of housing land to meet the city's five year supply of deliverable housing sites.

Policy E2 seeks to protect the open character of green wedges and sets out specific categories which are considered to be appropriate. Whilst the housing element is contrary to policy, it is considered that the landscaping and the SuDS element of the scheme, particularly along the eastern boundary, can be considered to be appropriate for a Green Wedge location.

The application site is in close proximity to the Green Belt, which lies in Erewash borough to the north of Mansfield Road and Lime Lane. Erewash Borough Council's comments make reference to the impact of the proposed development on views from the Green Belt and consider Policy E16 of the adopted CDLPR, which relates to development near important open land. The policy requires adequate landscaping to be provided to ensure that the visual amenities and character of Green Belt and Green Wedge are safeguarded.

The topography of the site is such that the development would be elevated to the south and western parts of the site and is likely to be visible from the Green Belt to the north and east, particular from the Mansfield Road/Lime Lane and Brookside junctions and from long range elevated viewpoints to the north of Breadsall. From the Green Wedge the development would be viewed from the northern edge of Chaddesden Wood. The application is supported by a Landscape Strategy, which identifies the key visual impacts of the development from the Green Belt and Green Wedge. It proposes a strategy for retention of trees and hedgerows within the site and provision of landscaped open space corridors along the north and eastern boundaries of the development. These proposals are indicative at this stage, but they do demonstrate that landscaping buffers can be introduced to soften the edges of the built development and protect the character and openness of the adjacent Green Belt and Green Wedge.

Open Space

The consideration of Policy L5(3) of the CDLPR is relevant in this instance. The policy states that, along with five other allocations across the City, the allocation could provide a range of opportunities for recreational uses of an open nature such as private sports pitches or golfing facilities. As yet, the policy has not been implemented and there are no indications that a proposal will come forward in the future. The land is currently in agricultural use and there are no public rights of way across the site. The NPPF, Annex 2, defines open space as "All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity." Although the site provides some visual amenity it is not currently used for recreational purposes and is not accessible to people for recreational activities. Therefore, as it does not fully meet the definition provided in the NPPF, it would not be reasonable to request that the applicant undertakes an open space assessment to support the application.

Policies L2 and L3 of the adopted CDLPR set out requirements for public open spaces in new developments. The provision of both on-site and off-site new open space is a matter for agreement with the applicant to be secured via the Section 106 agreement. As well as the need to meet the requirements of the open space policies, there are several factors which give weight to the importance of providing high quality open spaces within the site. These include the loss of openness of the Green Wedge by developing the site, the sloping topography of the site and its visual prominence, particularly from the vantage points to the north and east of the site. .

The Masterplan shows provision of new public open space areas and corridors within the development, to mitigate for the loss of openness on the site and enhance the recreational opportunities and linkages with existing open space and public rights of way in the local area. The proposals show the provision of a landscaped corridor to the eastern edge of the development which includes a footpath and cycle route along its length to create a link to Chaddesden Wood and to a crossing over Mansfield Road, which enables access to the Northern Greenway. There is clearly opportunity as part of the development to improve recreational use both within the development and by providing further access routes to Chaddesden Wood, which is a large and well used area of existing open space within Oakwood and to the Northern Greenway, which is an existing recreational walking and cycle route.

The agreed Section 106 Agreement would secure improvements to existing areas of open space in Oakwood, at Oakwood Park and Chaddesden Wood. The emerging Policy AC26, requires the development to deliver comprehensive landscaping and contribute to the expansion, enhancement and maintenance of Chaddesden Wood. A contribution towards improvements and maintenance of the wood are agreed as part of the package. A physical expansion would be difficult to achieve within the red-edged site, although a landscaped corridor as shown on the masterplan between the wood and the development site could provide opportunities for suitable woodland type planting. This could then form an extension to the wood, as well as a woodland buffer along the eastern edge of the residential area.

Traffic Implications and Access

Means of access is being determined as part of the outline application for up to 250 dwellings and is therefore an important consideration to be assessed at this stage. A single principal vehicular access is being proposed for the development which would be served off Mansfield Road (A608) in a central position on the northern boundary of the site. The access would be in the form of a ghost island junction, with right turn priority into the site. A small section of the highway would need to be widened in order to form the junction and a new length of footway is proposed from the new access to link with existing footway to Porters Lane. An extension to the 40mph speed limit area is proposed to accommodate the access to slow traffic speeds as drivers enter the extended urban area. This would be indicated by use of a gateway marker to the east of the proposed access, the details of which would be agreed as part of a reserved matters application. A pedestrian crossing is also proposed to be sited east of the main access, close to the junction with Lime Lane to provide a link from the development to the Northern Greenway footpath and cycle route. A section of footway is also proposed to link the pedestrian crossing with the nearby bus stop.

A Transport Assessment and Travel Plan have also been submitted to assess the traffic impacts of the proposed development, in particular, the predicted traffic flows upon 6 junctions in the vicinity of the site. These junctions are on the A608, Lime Lane and the A38. The greater proportion of the traffic from the development is expected to head west towards Derby city.

The results of the traffic assessment demonstrate, to the satisfaction of the Highways Officer, that subject to mitigation proposals put forward to reduce the effect of the traffic impacts, the development would not have a severe adverse impact on the local road network in the city.

The proposed mitigation measures include improvements to pedestrian access along Mansfield Road, provision of new bus stop, extending the 40 mph provision and a Travel Plan for the development. A financial contribution has been agreed as part of the Section 106 package to deliver highway improvements to the A61 transport corridor.

Additional pedestrian connections to existing public rights of way from the development are also proposed to the route along the western boundary to Porters Lane and to the footpath into Chaddesden Wood from Foxglove Drive. These are shown indicatively on the masterplan and details of those linkages would be agreed as part of a reserved matters submission.

The Highways Officer has negotiated some improvements to the design and layout of the access and position of the gateway, during the course of the application. Consultation has also taken place with the Derbyshire County Council's Highways team, due to the potential impact on the County's road network, north and east of the site.

Following some initial concerns in regard to potential traffic impacts on Breadsall village, the applicant provided further traffic flow distribution information and the County Council has not since raised any further concerns about the proposal.

The additional traffic report undertaken concluded that the cumulative impact of traffic on the Breadsall area would not be materially significant and therefore would not cause excessive traffic issues for the village.

The city's Highways Officer is also satisfied that the development would not have adverse impacts on traffic flows on the city's road network. The revised access design is also considered acceptable, subject to planning conditions being imposed to control details of construction and timing of implementation of the agreed highway improvements.

In conclusion, the traffic impacts of the proposed development are not considered to be severe, subject to the package of transport improvement and measures to encourage sustainable travel which would be secured by condition and the Section 106 Agreement. The development would therefore accord with the provisions of Policies T1, T4, T6, T7 and T8 of the adopted Local Plan.

Urban Design and Amenity

Since this is an outline submission, all details of design, layout and scale are reserved for a future application. However, the applicant has submitted a masterplan and typical street sections, which illustrates the form of residential scheme which is envisaged on the site.

The Design and Access Statement gives broad principles, which suggest a housing layout of traditional 2 storey dwellings, incorporating landscaping and open spaces with landscaped buffers along the boundaries of the site to provide screening and softened edges. Some existing trees and hedgerows are proposed to be included within the development to form part of the landscaping scheme.

The detailed design and layout of the development would need to accord with the criteria in adopted Local Plan Policies H13, E23 and GD4. The submission has satisfactorily demonstrated that the requirements of these policies could be met on this site and that therefore that a high quality living environment and form of residential development would be achievable, which complements the surrounding townscape context of the housing area of Oakwood.

In regard, to the impacts on residential amenity, the development site is currently mostly screened from the existing housing areas to the west and south, by belts of mature trees along the site boundary. There is a public footpath along the western boundary and dense tree cover, which separate the existing properties along Lindford Close and Priory Gardens from the site. Houses to the south of the site at the end of Diamond Drive, Primrose Close, Hemlock Close and Foxglove Drive also have existing trees and vegetation, which would provide a buffer from the development.

Only one dwelling, The Lodge, 1 Porters Lane, which is on the Council's Local List, is adjacent to the western edge of the site and is likely to see an impact on its setting and living environment of the occupants as a result of the development. It is a late 19th Century property, which was a former lodge. There is scope to limit the impact on the property, through a suitable layout being agreed under a reserved matters submission.

Overall, the proposal would safeguard the amenities of nearby residential properties in line with Policy GD5. The character and setting of the locally listed dwelling is also capable of being protected by the development, according with the provisions of Policy E19.

Whilst the number of dwellings proposed for the site is higher than the 200 dwellings envisaged under the Core Strategy Policy A26, it is for the applicant to demonstrate under a reserved matters submission, that the additional 50 units could be achieved on the development, whilst meeting the design and environmental objectives of the policy.

The outline proposal is for a maximum number of dwellings and any permission would not require delivery of that number of units.

Environmental Impacts

Ecology and Trees

The application site is currently agricultural land with mature hedgerows and trees, which are primarily around the field boundaries. There is also a group of mature trees towards the western edge of the site. All the trees on and overhanging the site are protected by various Tree Preservation Order covering trees in the local area and the hedgerows are identified as UK Biodiversity Action Plan Priority Habitats. These habitat features therefore have potential to be suitable for protected species and have ecological value.

An Ecological Impact Assessment was carried out on the site in 2013 and found evidence of habitat for breeding birds and bats, in the trees and hedgerows. Some of the trees had potential as bat roosts, although no bats were found during the survey. The assessment recommended that mitigation measures be undertaken to safeguard protected species and habitat and a further habitat survey to be carried prior to development, to update the findings of the previous survey.

The proposed mitigation is to provide biodiversity corridors through the development, which could be achieved by the retention of hedgerows and trees within the site. It is proposed to retain a large proportion of these features in and around the site particularly along the west and southern boundaries.

A large part of the hedgerow along the northern boundary of the site, fronting Mansfield Road, is proposed to be removed in order to form the principal vehicular access to the development. This is regrettable, although it is unavoidable due to the need to form visibility splays on both sides of the access, which are 4.5 x 160 metres. The access cannot be reasonably relocated to maintain more of the hedge, since suitable visibility is required in both directions to meet highways safety standards. The Landscaping strategy submitted in support of the application indicates a green corridor and new planting along the northern edge of the site, which would be mitigation for the part removal of the hedge.

I note that Derbyshire Wildlife Trust is broadly in agreement with the findings of the assessment and the recommended inclusion of green corridors in the development. The Trust expresses some concern about the width of the proposed corridors and the need to demonstrate expansion of Chaddesden Wood, which is encouraged in the emerging Policy AC26. The Core Strategy policy currently has limited weight and so expansion of the wood whilst desirable, does not amount to a requirement which must be delivered to make the current proposal acceptable. Landscaping and layout are reserved matters, which would be subject to approval under a future detailed scheme. There is opportunity to enhance the planting and scale of the proposed buffer areas, which can therefore be reserved for agreement under the detailed stage.

The application proposes to retain various trees and hedgerows, which are ecological features within the development and are proposed to provide an extension to the woodland habitat of Chaddesden Wood along the eastern edge of the site. A contribution towards improvements and maintenance to Chaddesden Wood has also

been agreed with the applicant, which is in accordance with the intention of Policy AC26. This would be secured through the Section 106 Agreement.

Overall, it has been satisfactorily demonstrated that the proposed development would not have a significant adverse impact on features of ecological importance and protected species on and around the site, subject to the introduction of mitigation measures including formation of green corridors as part of the development. The proposal is therefore considered to be in accordance with the ecological Policies E4, E5, E6, E7 and E9.

Flood Risk and Drainage

The application site is in an elevated position and is identified as being in Flood Zone 1 on the strategic flood risk maps. The site is therefore at a low risk of flooding. There are existing drainage ditches along hedgerow boundaries within the site, although there are no known flooding issues in this location. A Flood Risk Assessment and Drainage Strategy have been submitted in support of the application and this proposes a Sustainable Drainage solution to be implemented on the site as part of the development. It is proposed that surface water is to be collected via a series of drains and swales, which would then lead into a surface drainage pond at the north east corner of the site.

The proposed drainage strategy would be sufficient to minimise the risk of flooding to the development and assist in reducing the risk of flooding to Breadsall village. The latter is known to be an existing flood risk issue in the local area and the proposed strategy would therefore provide an additional benefit to the wider community.

Both the Land Drainage team and the Environment Agency are satisfied that the drainage proposals for the development would, in principle, minimise the risk of flooding to occupiers of the development and to the wider area, subject to conditions being imposed to secure details of a surface water drainage system. The management and maintenance of the proposed on-site drainage solution would be secured via a financial contribution which forms part of the Section 106 package. The proposed development is, in principle, considered to be acceptable in regard to flood risk and surface water drainage proposals, on the basis that it should not increase flooding to the local area, which accords with the provisions of Policy GD3 and the requirements of the NPPF.

Archaeology

The application site is identified under Derbyshire's Historic Environment Record (HER) as having evidence of a deserted medieval settlement, known as Nether Breadsall, in addition to other finds in the locality. Due to the potential for archaeological remains of significance on the site, the applicant has undertaken a desk based Archaeological Assessment and a Geophysical Survey of the site, to assess the historic significance of the site in line with NPPF policy 128.

The result of these surveys showed that there are remains of the medieval settlement on the western part of the site and there would be an impact on the archaeological interest of the site arising from the development. The County Archaeologist has considered the recommendations of the surveys and is satisfied that sufficient

information has been provided to allow outline permission to be granted, subject to conditions being imposed. Conditions are recommended to ensure a site investigation, including trial trenching is carried out prior to a reserved matters application being submitted and further excavation before development commences on the site. On this basis, there is some confidence that there should not be an adverse impact on significant archaeological remains within the site. The development is therefore considered to meet the requirements of Policy E21 and the heritage policies of the NPPF.

Section 106

Having regard for paragraph 173 of the NPPF the obligations which have been agreed with the applicant, to mitigate for the impacts of the development have taken into account the viability and costs of the development. A position has been reached with the applicant, where the key requirements arising from the development have been agreed and would be secured via a Section 106 Agreement and these are as follows:

- **Community facilities** - Improvements at Oakwood Community Centre to provide additional facilities
- **Highways and Sustainable Transport –**
 1. Contribution towards sustainable transport improvements in the A61 corridor
 2. Travel Plan
- **Off- site Public Open Space –**
 1. Improvements to Oakwood Park
 2. Improvements and maintenance of Chaddesden Wood
- **On-site Public Open Space –** Provision of 0.8 hectares of on-site open space including toddler and junior play facilities
- **Affordable Housing** - 30% affordable housing-(80% rented, 20% shared ownership), 10% of these will be wheelchair accessible
- **Sports facilities** - Improvements at Springwood Leisure Centre
- **Surface Water Drainage** - Maintenance of the on-site drainage solution
- **Education –** At present there would be sufficient capacity at the catchment schools, which are Breadsall Hilltop Primary School and Da Vinci Secondary school to accommodate the expected number of pupils who would be generated by the development. An assessment would be made at reserved matters stage of school capacity, to determine if a contribution towards extensions or improvements to the catchment is required.

I am satisfied that a reasonable approach has been taken to securing the various planning contributions for this proposal, which is line with the Supplementary Planning Document (SPD) and takes account of the relevant Local Plan policies and the policy tests in the Community Infrastructure Levy (CIL) Regulations.

Conclusions

There has been careful consideration of this proposal in the light of national and local planning policies with regard to residential development and the need for new housing in the City. The proposed development is consistent with the policies in the NPPF and accords with the emerging Core Strategy policy allocation, even though it proposes 50 additional residential units.

This is not considered to be a significant departure from the policy, particularly as the area shown for development is in line with the allocation. The development is contrary to the adopted Local Plan policies, since the site is in the Green Wedge and identified for open recreational uses.

The loss of the Green Wedge in this location has been considered, taking into account the findings of the Green Wedge Review, which concluded that the development of this site would not undermine the function of the Wedge in this area and there would be opportunity to enhance the landscape and recreational value of the Wedge as part of any development scheme.

The benefits of delivering up to 250 homes are significant and would contribute to meeting the City's housing needs as well as contributing to the five year supply of deliverable housing sites. It is therefore considered that the adverse impacts of the proposals would not significantly and demonstrably outweigh the benefits and that the proposal is, in this case, acceptable in principle.

In addition there are other environmental and social benefits of the scheme which include the implementation of a SuDS scheme for surface drainage on site, to help to alleviate flooding issues experienced in the wider area; the creation of a green landscaped corridor to the eastern edge of the site will improve connections between Chaddesden Wood and the adjacent countryside while the creation of pedestrian and cycle links to and from the site will improve connectivity with the remaining Green Wedge and Oakwood.

The traffic impacts of the development are not considered to be significant, whilst the proposed vehicle and pedestrian accesses to serve the development are acceptable in terms of their impact on highway safety. The pedestrian routes to the site would in particular enhance the linkages between existing footpath/cycleways on the Northern Greenway and Chaddesden Wood.

The Section 106 package would also deliver benefits to the local community and the environment, through provision of much needed affordable housing, improvements to Chaddesden Wood and Oakwood Park, as well as open space provision, improvements to sports facilities at Springwood Leisure centre and contributions towards sustainable transport, which would mitigate the impacts and enhance the sustainability of the development.

Subject to site specific, planning conditions being imposed, a suitable residential scheme can be designed on this site that can take into consideration the wider environmental issues and accordingly the site is considered to be appropriate for residential development. There are therefore no over-riding policy concerns that would warrant a refusal of permission at this stage.

8. Recommended decision and summary of reasons:

- A. To authorise** the Director of Strategic Partnerships, Planning and Streetpride and to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.
- B. To authorise** the Director of Strategic Partnerships, Planning and Streetpride to **grant permission** upon conclusion of the above Section 106 Agreement.

Summary of reasons:

The proposal is an acceptable form of residential development in principle for this green field site and Green Wedge, subject to adherence to the attached conditions and the provision of detailed comprehensive design and layout for the overall site, including integrated landscape and open space strategy. In the opinion of the Local Planning Authority there are no over-riding highway implications associated with the overall scheme, subject to the provision of public transport, walking and cycling facilities and a satisfactory detailed on-site layout. The environmental impacts on ecological and landscape features, archaeology, flood risk and surface water drainage would not be significant, subject to appropriate protection and management schemes being implemented. The proposal would deliver significant housing, to address the city's housing need and is considered appropriate in this location.

Conditions:

1. Standard condition 1 (Time scale for outline permission)
2. Standard condition 2 (Outline permission with means of access)
3. Standard condition 100 (Approval of specified plans)
4. Standard condition 24A (Protection of retained trees and hedgerows)
5. Principal access, ghost island junction, shall be constructed and made available for use before development commences.
6. The proposed gateway feature on Mansfield Road for reduction in speed limit shall be implemented in accordance with precise details to be agreed before development commences.
7. The proposed pedestrian crossing on Mansfield Road shall be implemented before occupation of dwellings, in accordance with precise construction details to be agreed before development commences.
8. A new bus stop, shelter and real time bus board shall be provided and linked by a footway on Mansfield Road, shall be implemented before occupation of dwellings, in accordance with details to be agreed.
9. A residential travel plan shall be submitted and approved before occupation of dwellings and become operational in accordance with agreed timetable.
10. A wheel washing facility shall be implemented in accordance with details to be agreed before development commences.

11. Details of a Construction Management Plan, to include noise/ dust management and routing of construction traffic, shall be submitted and agreed before development commences and implemented in line with agreed details.
12. A Phase II site investigation shall be carried out to determine level of contaminants on the site. A risk assessment shall be prepared to determine the potential risk to end users and a detailed report of investigation shall be agreed in writing.
13. Where site investigation confirms that contamination exists, a remediation method statement shall be prepared and submitted for approval in writing and then implemented. The remediation shall be validated and a validation report be submitted for approval in writing before development commences.
14. Details of a surface water drainage scheme for the site, based on sustainable drainage principles and assessment of hydrological and hydro geological context of the development shall be carried out and submitted for approval in writing. The drainage strategy shall demonstrate the surface water run-off generated up to and including the 100 year event with climate change. Approved scheme shall be implemented in accordance with approved details.
15. A scheme for improvement of the existing sewerage system shall be submitted for approval in writing and be implemented as approved.
16. A Written Scheme of Investigation (WSI) for archaeological work shall be submitted for approval in writing before development commences. The evaluation phase of the scheme shall be carried out before submission of reserved matters application. The scheme shall include assessment of significance and research questions. Development shall be carried out in accordance with the WSI.
17. Development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the approved WSI and provision made for analysis, publication and dissemination of results.
18. A further Ecological survey of habitat and to identify protected species on and around the site, to include an assessment of all trees and the potential for bat roosts, breeding birds and badger activity, shall be carried out and report submitted to accompany application submitted under Condition 1.
19. The details accompanying Condition 1 shall include details of a landscaped woodland planting scheme for an open space corridor along the eastern boundary of the site linking with Chaddesden Wood.

Reasons:

1. In accordance with requirements of the Town and Country Planning legislation.
2. In accordance with requirements of the Town and Country Planning legislation
3. For the avoidance of doubt.
4. To ensure the protection of trees and vegetation in the interests of visual amenity – Policies GD2 & E9

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5. In the interests of highway safety and to ensure provision of a safe access to the development – Policies T1 & T4
6. In the interests of highway safety and visual amenity – Policies T1 & GD4
7. In the interests of pedestrian safety – Policies T4 & T6
8. In the interests of highway safety and to ensure provision of a safe bus stop on the highway – Policies T1 & T7
9. To encourage the use of sustainable transport – Policies T1, T6, T7 & T8
10. In the interests of highway safety and local amenity – Policies GD2, GD5 & T1
11. In the interests of highway safety and to protect the amenities of nearby properties – Policy GD2, GD5 & T1
12. To ensure that the risks from contamination for users of the land are minimised – Policies GD2 & GD5
13. To ensure that the risks from contamination for users of the land are minimised – Policies GD2 & GD5
14. To prevent an increased flood risk and protect water quality – Policy GD3
15. To prevent flooding, pollution of the local environment and protect residential amenity – Policies GD2, GD5 & GD3
16. To ensure that archaeological interest and historic significance of the site is protected – Policy E21
17. To ensure that archaeological interest and historic significance of the site is protected – Policy E21
18. To provide an updated assessment of ecological activity on and around the site, to allow protection of the nature conservation value of the site – Policies E4, E5, E6 & E7
19. To provide for an expansion of Chaddesden Wood in the interests of nature conservation and visual amenity – Policies GD2, E5, E6 and E9

Informative Notes:

- 1) The above conditions require works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Robert Waite Tel 01332 642264 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.
- 2) Derby City Council operates the Advanced Payments Code as set out in sections 219 to 225 Highways Act 1980 (as amended). You should be aware that it is an offence to build dwellings unless or until the street works costs have been deposited with the Highway Authority.

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means of access)**

- 3) For details of the 6C's design guide and general construction advice please contact Robert Waite Tel 01332 642264.

S106 requirements where appropriate:

Type here or delete heading

Application timescale:

The 13 week target period for determination of the application expired on 13 July 2015, although an extension of time has been agreed with the applicant until 4 December 2015.

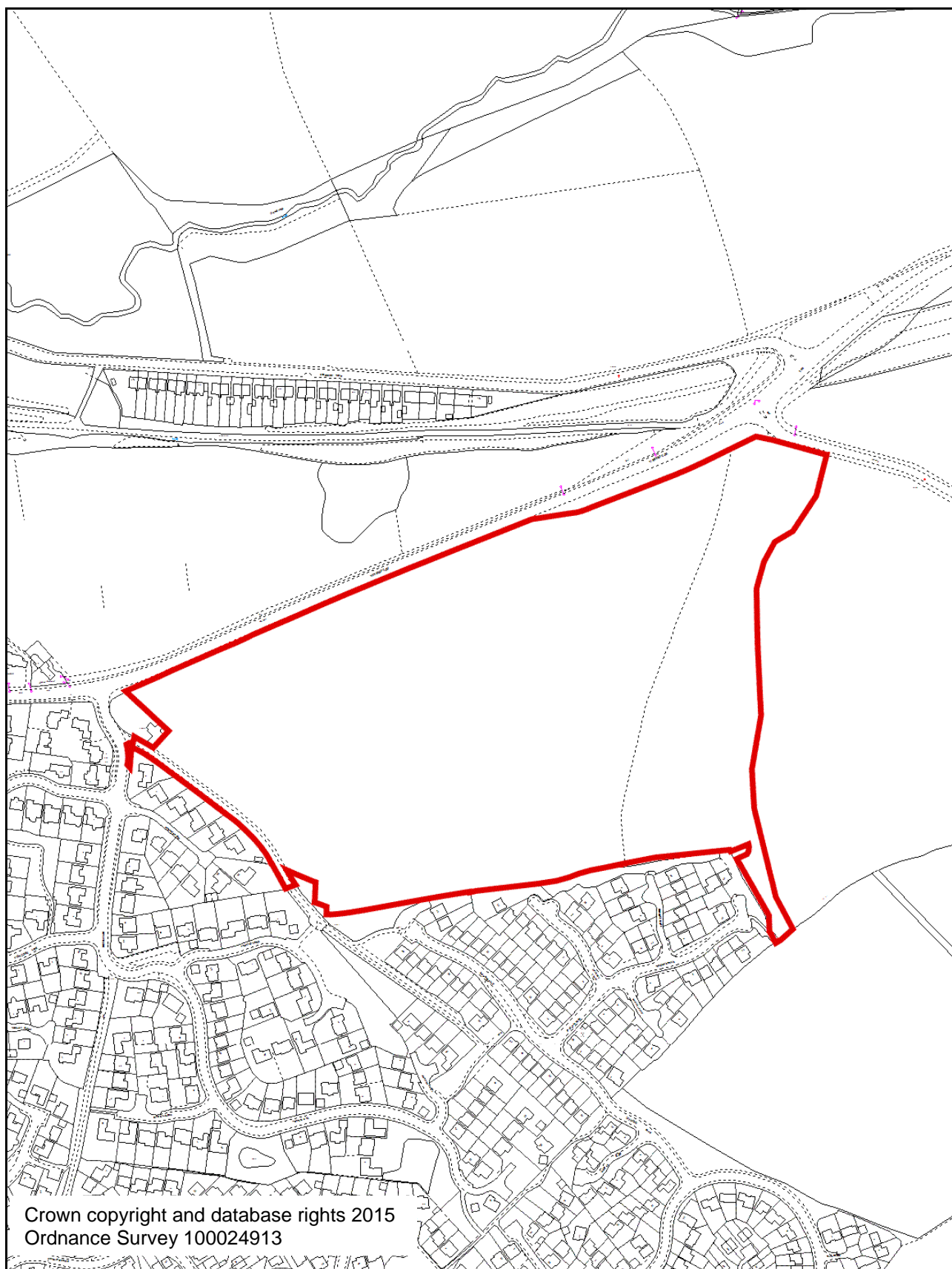
Classification: OFFICIAL

Classification: OFFICIAL

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Application No: DER/04/15/00449

Type: Outline (with means of access)



Classification: OFFICIAL

1. Application Details

Address: 75 St Albans Road, Derby

Ward: Abbey

Proposal:

Retention of change of use of domestic outbuilding to music studio for teaching purposes (Use Class D1) – removal of condition 7 of previously approved planning permission DER/02/14/00268 to allow permanent use as a music studio.

Further Details:

Weblink to application:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal= DERBY DCAPR 98788>

This application seeks planning permission for the continued use of an outbuilding for business purposes in the form of music tuition. The site itself is located on the north side of St Albans Road at the junction with St Wystans Road. The application dwelling fronts St Albans Road and the outbuilding is located in land to the rear of the site, fronting St Wystans Road. The immediate surrounding locality is predominantly residential consisting mainly of semi-detached dwellings together with some detached properties. To the front of the application dwelling an area of hardstand driveway exists which provides off-street parking for up to 6 vehicles. The outbuilding structure adjoins the common boundary to No. 3 St Wystans Road.

The single storey mono-pitched roof outbuilding has been used for a commercial business operation in the form of a music studio for the purposes of music related tuition. It consists of 3 teaching rooms/booths and 1 W.C. facility. The building measures approximately 9.1m in width, 4.7m in depth and 4m in height (at its highest point). Four roof windows exist in the roof above each tuition room. Sound insulation has been inserted into the fabric of the outbuilding during its construction.

The accompanying Planning Statement states that the music studio operates Monday – Friday between the hours of 12:00 and 21:00 and on Saturday between the hours of 09:00 and 18:00. The studio is closed on Sundays and public holidays. Lessons are split into 30 minute slots with one tutor and one pupil occupying a room at any one time (a maximum of 6 people in the building at any one time). The Planning Statement indicates the studio can facilitate a maximum of 54 pupils per day.

No external alterations or extensions to the building are proposed and the application relates to the retention of use only.

2. Relevant Planning History:

DER/02/14/00268: Retention of change of use of domestic outbuilding to music studio for teaching purposes (Use Class D1). Permission granted conditionally, for a temporary 12 month period – 26/08/2014.

Committee Report Item No: 3

Application No: DER/09/15/01136

Type: Variation of Condition

DER/11/11/01391: Erection of outbuilding (music studio). Permission granted conditionally – 24/01/2012.

3. Publicity:

Neighbour Notification Letters sent to surrounding residents

Site Notice

This publicity is in accordance with statutory requirements.

4. Representations:

Two letters of objection and one letter of support have been received. The main points raised in objection are:

- Disruptive and intrusive nature of the school
- It has caused personal cost and distress
- Blatant disregard for conditions
- No reduction in number of people arriving by car
- Opening hours present anti-social impact on neighbourhood
- It is frequently open on Sundays and bank holidays
- Ample music facilities in city which offer inclusive provision and do not impact local neighbourhood
- Sound of instruments can be heard from neighbouring garden
- Pupils do not arrive by public transport

5. Consultations:

Highways DC:

Following the decision notice of the previous planning application, the applicant had appealed for the removal of a number of the attached conditions. Our previous highways comments have now been fully discharged. In light of the previous highways comments having now been fully discharged, there remain no significant highway implications, and in view of this, no objections.

Environmental Services (Health – Pollution):

Based on the information available and due to the proximity of residential buildings and the general consistency that the windows to the premises should be closed when in use, I still have some concerns regarding the potential for noise nuisance to occur. However, according to our records we have not received any complaints regarding noise from the premises since it received permission and so we do not object to the application in principle, but as stated we do still have some concerns about noise if not properly managed

6. Relevant Policies: *Saved CDLPR policies*

GD1	Social Inclusion
GD5	Amenity
EP13	Business and Industrial Development in Other Areas
LE1	Education Uses
L11	New Community Facilities
T4	Access, Parking and Servicing
T7	Provision for Cyclists
T10	Disabled Access

The above is a list of the main policies that are relevant. Members should refer to their copy of the CDLPR for the full version or access the web-link.

<http://www.cartogold.co.uk/DerbyLocalPlan/text/00cont.htm>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

7. Officer Opinion:

Key Issues:

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

- Context – Planning Inspectorate’s Appeal decision
- Amenity - The impact of the proposal on the residential amenities of neighbouring properties
- Traffic generation / parking issues

Context

Firstly, it should be made clear that the outbuilding studio itself was granted planning permission in 2011, see section 2 of this report. In the intervening period the owner has materially altered, beyond incidental use, the function of the premises from a domestic ancillary use to a commercial / business music tuition use, hence the submission of an application to regularise matters.

Previously, an application was submitted in 2014 and heard at the August 2014 meeting. Members at that meeting agreed to grant a conditional 12 month temporary permission for the proposal. This was to enable the Council to assess the impact of the on-going operation of the music studio in the context of neighbouring properties and the immediate environment in terms of noise, general disturbance and highway safety issues. That 12 month permission was subject to a number of conditions following debate at the City Council's Planning Control Committee.

Subsequently the applicant appealed to the Planning Inspectorate, against the imposition of certain conditions attached to the planning permission. The Appeal was allowed in part. The conditions in dispute were condition 2 (hours of operation);

condition 5 (sound insulation measures); condition 6 (access off the highway); condition 7 (temporary permission); condition 8 (restriction of musical activity).

The amended conditions as allowed by the Inspectorate included the following: to extend the hours of operation until 21:00 hours (*condition 2*); details showing the incorporation of sound insulation measures (*condition 5*); inclusion of on-site cycle parking provision only (*condition 6*); the condition restricting it to a temporary permission remained unaltered (*condition 7*); condition 8 was removed and replaced with a condition limiting the use to the teaching of music only. The Inspector opted to add two further conditions relating to the submission of a Travel Plan and the monitoring/Implementation of that Travel Plan.

The site of the proposal is not allocated for any particular use in the CDLPR. Policy LE1 allows for the development of educational facilities provided that they are well related to the public transport network, a travel plan is in place to encourage the use of non-car modes of transport, the proposal is in keeping with the general scale and character of the surrounding area and, in the case of development in residential areas, the site or building is sufficiently large and self-contained to prevent unacceptable levels of disturbance to nearby properties. In this regard, the studio does not contain any specified waiting area for visitors within the building itself. Consequently, on some occasions waiting occurs outside the premises. Yet, this does not mean the site or building is insufficiently sized or not self-contained, as the outbuilding accommodates the music tuition activity adequately and provides some off-street parking for tutors and pupils.

Policy L11 of the Local Plan is also of relevance to this particular application. The Policy allows for new community facilities provided the proposal is well related to the population it is intended to serve. In this instance, the facility's catchment covers the local area and the city as a whole and, although a city centre location would perhaps have been preferable, the application site is relatively well served by public transport, particularly along St Albans Road. Therefore, in principle, this is a suitable location for such a facility.

Amenity

A number of conditions were attached to the temporary permission in the interests of protecting the residential amenities of the area. Those conditions amended by the Planning Inspector are a material consideration in determining this renewal of planning permission.

The issue of noise disturbance from the playing of music was raised by the immediate neighbour as part of the previous application. A condition relating to the maintenance of non-opening roof windows was included on the previous planning permission (condition 3) and no noise nuisance complaints have been made to Environmental Health colleagues since the music studio use commenced. Given that sound insulation measures have already been inserted into the fabric of the building, together with the non-opening window condition, this should secure adequate noise attenuation from the studio when music is played / performed.

Committee Report Item No: 3

Application No: DER/09/15/01136

Type: Variation of Condition

I note that the applicant wishes to use the music studio from 12:00 until 21:00 Monday – Friday, which this has been agreed by the Inspectorate. In his assessment it is stated *“evening lessons area significant element in the business operation of the appellant and that a restriction on hours could be detrimental to the viability of that business”*. Elsewhere in his report, the inspector concludes *“the increase in hours of operation from 19:30 to 21:00 on weekdays would not be significantly harmful to the residential amenities of the area, but would be beneficial to the viability of the business”*. . The use of the studio on Sundays and Bank Holidays would be prohibited through a relevant condition and Saturday operating hours are stated as 09:00 – 18:00. Whilst enforcement complaints have materialised in the intervening months that music tuition and music examinations were taking place on Sundays and Public Holidays, no evidence has substantiated these claims.

In terms of increased comings and goings to and from the music studio building, it is anticipated that there would be no more than 3 pupils on site at any one time, with three members of staff present. Taking into account the entire area of the outbuilding to be used by the educational facility, and the frequency of people arriving and departing for music lessons, it can be viewed that the proposal does result in an increased number of people accessing the site at different times of day and evening, over a six day period. In this case, the business use of an outbuilding in a residential curtilage is not in itself unusual as residential outbuildings do undergo conversions for commercial purposes. Here, the 3 teaching rooms do not, in my opinion, make the use excessive in its scale of business operation.

The immediate neighbouring properties at No.3 St Wystans Road and No.73 St Albans Road are affected by the general activity of the music studio. The neighbouring residents at No. 73 and the former neighbours at No.3 St Wystans Road have expressed concerns relating to noise disturbance, traffic and pedestrian disruption directly attributable to the music studio, the hours of operation constituting anti-social activity and the potential continued expansion of the business if granted permission. In response, the original conditions and other conditions substituted by the Planning Inspector do minimise potential harmful effects to the living conditions of the occupiers of nearby dwellings along St Wystans Road and St Albans Road.

Traffic generation / parking issues

The site is located at the junction of St Albans Road and St Wystans Road - both residential streets. St Albans Road is a busy road while St Wystans Road is a quieter cul-de-sac street, with on-street restrictions limiting parking to a maximum of two hours for non-residents. I understand that my colleagues in the Highways Team have not, to date, received any parking related complaints associated with the site in question. A colleague from Highways Development Team will be at the meeting to clarify this point, if needed.

The application property benefits from a large front driveway which the applicant claims to accommodate up to 6 vehicles, to be used by teachers and pupils. There is an existing vehicular crossing over the footway of the public highway on St Albans Road at the front of the dwelling to allow access to and from the property. In reality, it is unlikely that more than 4 cars at a time could use the driveway safely and

effectively. Consequently, it appears some ad-hoc on-street parking along St Wystans Road occurs at different times of the day and evening which is attributable to the lesson drop-off / collection scenario created by the music studio. Indeed, a number of objectors raise the issue of hazards stemming from roadside parking, particularly given the predominance of pupils being dropped off and picked up at lesson changeover times.

Third party objections state that at certain times on-street parking intensifies to cause congestion and inconsiderate parking in this residential locality. Context is obviously important and it appears that any increase in on-street parking occurs is confined to this southern end of St Wystans Road near to the music studio. Nonetheless, there is little to suggest that the studio use would cause excessive harm to highway safety or vehicular - pedestrian conflicts or continued excessive on-street parking. The driveway area of the application dwelling can be utilised for drop off / collections for 2 or 3 cars at any time, the site is very close to public transport links and pupils can access the studio by means of walking and cycling.

While neighbour objections highlight concerns about the level of on-street parking within the locality, given the varied levels of additional traffic generated in a concentrated part of St Wystans Road and St Albans Road the resulting highway impact could not be deemed to be significantly adverse as to warrant the refusal of the application on highways grounds

As part of condition 10 and in line with the Planning Inspector's comments, a Travel Plan report has been submitted. The report highlights trip generation figures and modal split for teachers and pupils. The survey demonstrates that the majority of pupils use private cars to attend the school (171 of 261 pupils, 65.5%), whilst only 2 pupils use bicycles to attend the school (less than 1%) and some 19% (49) of pupils walk to the school whilst 32 pupils (12%) use public transport. The remaining 3% (7 pupils) use motorbikes or taxis. The survey also notes that some 74% (193 pupils) of the schools pupils live within either the 'DE22' postcode or those postcodes adjacent to it. The Travel Plan indicates the key target for pupils is to achieve a significant reduction (32.2%) in the proportion of pupils travelling to the school by car trips over the five year period from the date of the Council discharging of condition 10 of DER/02/14/00268 (an additional 84No. pupils to walk, cycle or use public transport over the five year period). A variety of measures and incentives are listed to achieve the aims, objectives, and targets detailed in the Plan. The development is close to frequent bus services which run along St. Albans Road and connect this area with Derby City Centre. It is therefore considered that the development is a sustainable one and is acceptable.

On the basis of the above and in view of the assessment and monitoring of the use over previous months a recommendation to grant conditional planning permission is given, in line with the Planning Inspector's decision.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of reasons:

The proposal to retain the use of this outbuilding as a music studio for teaching purposes would be acceptable in accordance with the policies stated in section 6 of the report. It is acknowledged that the proposal would intensify the use of the site in this residential context but this is not considered to be excessively detrimental to the general character of the area or the residential amenities enjoyed in the immediate locality. The proposal is considered to be acceptable in terms of parking issues and impacts upon residential amenity. On balance, it is considered that the continued use would meet the provisions of Local Plan Policies.

Conditions:

1. Standard condition 100 (approved plans)
2. The hours of operation of the music studio shall be limited to: Monday – Friday 12:00 -21:00 hours; Saturday 09:00 – 18:00 hours, no opening on Sundays and Public Holidays
3. The existing roof windows in the music studio, as included on drawing no 21185 1B shall be fixed and non-opening windows and no additional door or window openings shall be installed in the building
4. The existing hard surfaced driveway at the front of 75 St Albans Road shall be reserved and secured for use by staff and visitor parking only when the music studio is in operation.
5. Details of sound insulation measures incorporated within the music studio building that conform to British Standard 8233:2014, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be retained for the life of the development.
6. The details showing secure on-site cycle parking to serve the development as submitted and discharged under condition 6 of planning application reference DER/02/14/00268 shall be retained for the life of the development.
7. The premises shall be used for the teaching of music and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning Order (Use Classes) 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification).
8. The details showing the principal entrances to the building being adapted to having level or ramped access, as submitted and discharged under condition 9 of planning application reference DER/02/14/00268 shall be retained for the life of the development.
9. The use hereby permitted shall take place in accordance with the details of the Travel Plan ('the plan'), as submitted and discharged under condition 10 of planning application reference DER/02/14/00268, and the plan shall continue to

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Type: Variation of Condition

be implemented as approved for as long as any part of the premises is occupied for the use hereby permitted.

10. Records of implementation/monitoring of the Travel Plan, including results of any travel/parking surveys, shall be made available to the Local Planning Authority on a regular basis, that basis being not less frequent than quarterly.

Reasons:

1. Standard reason E04 (avoidance of doubt)
2. Standard reason E07 (residential amenity)
3. Standard reason E07 (residential amenity)
4. Standard reason E09 (satisfactory development)
5. Standard reason E07 (residential amenity)
6. Standard reason E09 (satisfactory development)
7. Standard reason E04 (avoidance of doubt)
8. Standard reason E15 (disabled access provision)
9. Standard reason E22 (promote sustainable transport)
10. Standard reason E22 (promote sustainable transport)

Application timescale:

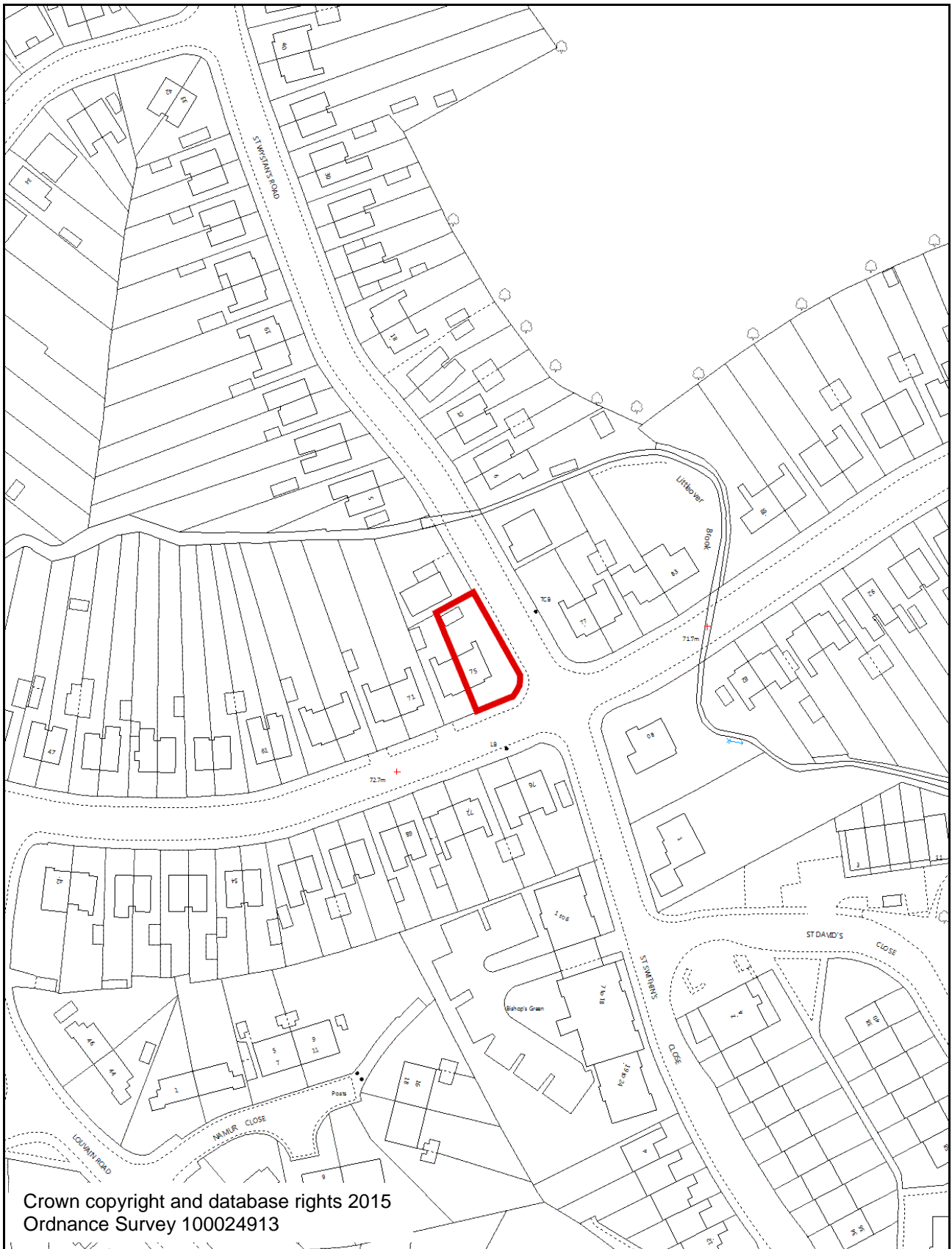
The 8 week target date expired on 4 November 2015 and an extension of time agreement has been sought from the agent.

Classification: OFFICIAL

Committee Report Item No: 3

Application No: DER/09/15/01136

**Type: Variation of
Condition**



Classification: OFFICIAL

1. Application Details

Address: 230 Derby Road, Chellaston.

Ward: Chellaston

Proposal:

Two storey and single storey front and single storey side extensions to dwelling house (utility, kitchen, double garage, store, w.c., cloakroom, entrance hall, gallery, bedrooms, en-suites and walk-in wardrobes).

Further Details:

Members may recall that this application was deferred from the October meeting for a site visit. The site visit took place on Wednesday 18 November and any issues raised will be reported orally at the meeting.

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal= DERBY DCAPR 98473>

The proposal seeks to add large single and two-storey side and rear extensions to an existing detached brick-built two-storey house. The existing house is set within a large plot set back from the highway and accessed via a private drive over 50 metres long. The new part of the proposal would have a footprint of approximately 315 sqm and would involve the demolition of the rear part of the existing house. The external materials would be a mixture of rendered and exposed concrete, brick, timber cladding, aluminium doors and windows and extensive glazing to the primary and rear elevations. The proposed extension would accommodate kitchen, utility room, living room, store room, WC, cloakroom and attached garage at ground floor level with bedrooms, bathrooms and storage above. The extension would reach a maximum height of approximately 7.4 metres, although for the majority of its length it would run for a height of 6.8 metres. At the proposal's closest point to the site's rear boundary, the first floor element would be recessed from the rear elevation of ground floor element by approximately 0.7 metres.

2. Relevant Planning History:

None.

3. Publicity:

Neighbour Notification Letters

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

4. Representations:

Third party objections have been received from 8 sources, including a petition containing 37 signatures, and objections from Councillors Tittley and Grimadell. It is

important to note that following the receipt of amended plans Councillor Tittley has confirmed that he raises no objections to the amended design.

The points of objection are:

- Loss of privacy through overlooking
- Overshadowing of adjoining properties and excessive massing close to common boundaries
- Lack of visual and architectural coherence between existing and proposed buildings

5. Consultations:

Derbyshire Wildlife Trust:

No response.

6. Relevant Policies: *Saved CDLPR policies*

E23	Design
GD4	Design and the Urban Environment
GD5	Amenity
H16	House extensions
T4	Access, Parking and Servicing

The above is a list of the main policies that are relevant. Members should refer to their copy of the CDLPR for the full version or access the web-link.

<http://www.cartogold.co.uk/DerbyLocalPlan/text/00cont.htm>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

7. Officer Opinion:

Key Issues:

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

- Implications for residential amenity; and,
- Design issues.

Implications for residential amenity

The proposed structure would have a visual presence when viewed from several residential properties surrounding the application site, in particular numbers 12 and 28 Chesnut Avenue to the north and north-east, 7 South Avenue to the south-east and 5 South Avenue to the south.

In its original form the proposal featured rear-facing second-storey windows which would be likely to overlook the rear gardens of 7 South Avenue and 28 Chesnut Avenue. The proposal has been revised during the life of the application in response to these concerns and the rear-facing second-storey windows closest to the site's

north-eastern boundary have been relocated, and in the current version of the proposal are side-facing. In the case of the main window to serve Bedroom 4 this would now face the rear of 5 South Avenue at a distance of approximately 8 metres to the common boundary, and approximately 14 metres to the rear elevation of 5 South Avenue. These distances are less than the minimum distances generally regarded as acceptable in such situations and it is likely that the proposal would cause some harm to nearby residential amenity by way of overlooking. Also, given the scale of the proposal and the relatively small rear garden area of 5 South Avenue it could be argued that mitigation measures may be appropriate. The use of obscure glazing, for example, could be justified, especially given that another smaller window would also serve Bedroom 4. The relocated window to face north towards 12 Chesnut Avenue (serving Bedroom 3) would be at a distance of around 12 metres from the common boundary and around 18 metres from the rear elevation of 12 Chesnut Avenue at a height of around 5-6 metres. Similar consideration should be given to the possibility of the use of mitigation measures to this window as to that discussed above. Although the distances involved in this relationship are greater, the positioning of this window could conceivably result in some harm to residential amenity by way of overlooking.

Originally it was proposed that the second-storey element of the proposal closest to the site's north-eastern boundary would run for a distance of around 11 metres, and at an approximate distance of between 6 and 8 metres from that boundary. It should be noted that the second-storey element at this elevation is set back from the ground floor elevation. Despite this it was felt that the presence and massing of the proposed second storey would have an unacceptably dominating presence when viewed from the rear of residential properties to the north-east of the site. The proposal has since been revised in that the part of the second-storey closest to the site's north-eastern boundary has effectively been pulled back from that boundary by 0.5 metres when compared with the original proposal. The distance between this storey and the boundary would therefore be increased to between 6.5 and 8.5 metres, and the massing effect to neighbouring properties would be correspondingly reduced. It was requested that the distance between the first-floor rear elevation and the rear boundary be increased by 1 metre but this was negotiated to 0.5 metre. Whether or not the distances between the rear elevation of the second-storey and the common boundary are sufficiently great to avoid harm to nearby residential amenity is debatable. In my opinion the revision may have reduced the visual impact of the proposed structure just enough to be acceptable.

The ground floor element of the proposal would also have a visual presence from surrounding properties, and at a shorter distance to the various boundaries. However, at around 3.8 metres, the height of the ground floor is not unusual for a single storey and it would be unlikely that the surrounding properties would suffer greatly as a result of the proximity of this element.

Design issues

The proposed structure bears little stylistic or visual relation to the existing dwelling house. The proposal would provide a juxtaposition of architectural styles and this approach is not uncommon when residential buildings and commercial buildings are

extended. There are no policy reasons to resist such an approach and the main design components of scale and mass have been dealt with in the previous section of this opinion.

It is also important to note that the site is not easily visible from the public realm and therefore the architectural style of the proposal would have little visual impact in the wider area.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of reasons:

The proposed extension would be significant in its relationship with the existing house and in its relationship with nearby residential dwellings. However, in the opinion of the Local Planning Authority the revisions that have been made to the original proposal have dealt sufficiently with the outstanding issues and have successfully brought the proposal within acceptable limits with regard to its implications for surrounding residential amenity. The relationship of the proposal with the existing house is more complex. However, in the absence of any statutory protection relating to the building or the surrounding area and taking into account the site's backland location, any assessment of this relationship must be considered of limited relevance.

Conditions:

1. Standard condition – Time Limit
2. Standard condition – Approved Plans
3. Unique condition – Obscure glazing to main windows serving Bedrooms 3 and 4

Reasons:

1. Standard reason – Time limit reason
2. Standard reason – Avoidance of Doubt
3. Standard reason – Preserve residential amenity

Application timescale:

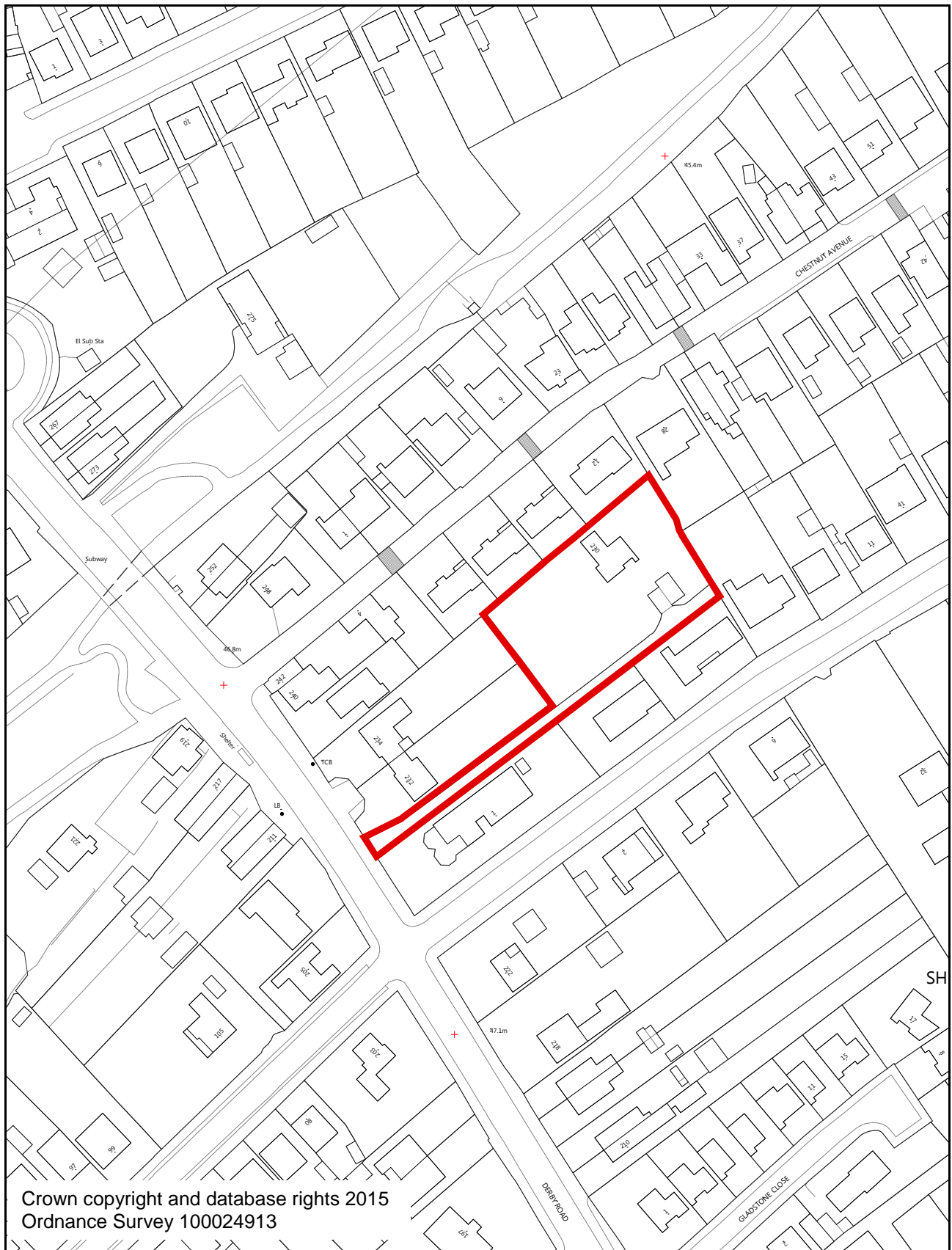
The application expired on 20 August 2015 and has been referred to the Planning Control Committee at the request of Councillor Grimadell.

Classification: OFFICIAL

Committee Report Item No: 4

Application No: DER/06/15/00837

Type: Full



Classification: OFFICIAL

Derby City Council

Delegated decisions made between 01/10/2015 and 31/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/14/00270/PRI	Full Planning Permission	8a Park Grove, Derby, DE22 1HD	Conversion of garage with extension to form annex for dependent relative	Granted Conditionally	23/10/2015
06/14/00770/PRI	Full Planning Permission	7 Friar Gate, Derby, DE1 1BU	Change of use from training centre on first and second floors (Use Class D1) to 2 HIMO apartments (Use Class C4)	Granted Conditionally	08/10/2015
06/14/00771/PRI	Listed Building Consent - alterations	7 Friar Gate, Derby, DE1 1BU	Internal alterations in association with change of use from training centre on first and second floors (Use Class D1) to 2 HIMO apartments (Use Class C4)	Granted Conditionally	02/10/2015
12/14/01688/PRI	Variation/Waive of condition(s)	Homebase Ltd, Unit 2, Wyvern Retail Park, Wyvern Way, Chaddesden, Derby, DE21 6NZ	Variation of Condition 5 of previously approved planning permission code no. DER/02/80/00189 to permit the sale of a wider range of goods by a catalogue retailer - up to 185 square metres of the existing sales area	Refuse Planning Permission	07/10/2015
12/14/01722/PRI	Full Planning Permission	Garage block on the north west side of Whitecross Street, Derby	Demolition of garages and erection of five dwellings with associated landscaping, garden and parking components	Granted Conditionally	29/10/2015
	Pre-Application	127 Manor Road, Derby, DE23 6BU	Proposed demolition of house to create a small housing development - 9 dwellings (mixed)		14/10/2015
	Pre-Application	1192 London Road, Alvaston, Derby, DE24 8QG	Demolish existing building (vacant shop) and build a new apartment block - 9 units with ground floor for disabled persons		09/10/2015
02/15/00261/PRI	Full Planning Permission	22 Colwyn Avenue, Derby, DE23 6HG	Two storey side extension to dwelling house (garage, two bedrooms and enlargement of kitchen and sitting room)	Granted Conditionally	13/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
03/15/00293/PRI	Full Planning Permission	Plots 2 & 3, Trafalgar Park, Trafalgar Park Way, Derby, DE24 8DX	Erection of power plant compound to include generators, kiosk, sub-station, welfare cabin, switchgear cabin, transformers and acoustic fence	Granted Conditionally	16/10/2015
03/15/00323/PRI	Full Planning Permission	1089 London Road, Derby, DE24 8PZ	Two storey and single storey extensions to dental surgery (entrance lobby, disabled toilet and consulting rooms) along with external alterations to include the installation of a mono-pitched roof to the existing front projection, additional windows in the side elevation and erection of front boundary wall and gates	Granted Conditionally	02/10/2015
03/15/00386/PRI	Full Planning Permission	Land adjacent 150 Uttoxeter Old Road / corner of Parcel Terrace, Derby, DE1 1NF	Erection of 7 apartments	Granted Conditionally	22/10/2015
04/15/00535/PRI	Variation/Waive of condition(s)	Unit, Downing Road, West Meadows Industrial Estate, Derby, DE21 6HA (Former Balfour Beatty Depot)	Change of use from industrial unit to wet road waste and aggregate recycling facility - Variation of conditions 3 and 6 of previously approved Planning Permission Code No. DER/11/13/01351 to amend the amount of waste that can be processed to 65,000 tonnes per annum and the hours of operation to 24 hours, seven days a week, excluding public and bank holidays	Granted Conditionally	20/10/2015
04/15/00547/PRI	Full Planning Permission	15 Thornhill Road, Littleover, Derby, DE23 6FZ (Fairholme Social Club)	Change of use of first floor from private members club (Sui Generis Use) to restaurant (Use Class A3) including two storey and single storey extensions (toilets) and installation of extraction flue	Granted Conditionally	15/10/2015
04/15/00566/PRI	Full Planning Permission	3 Morefern Drive, Oakwood, Derby, DE21 2JE	Single storey side extension to dwelling (garage) including insertion of a rooflight to the front and rear roofspace	Granted Conditionally	23/10/2015
04/15/00573/PRI	Full Planning Permission	B O C Ltd, Raynesway, Derby, DE21 7BD	Erection of warehouse, workshop and office	Granted Conditionally	23/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
05/15/00593/PRI	Full Planning Permission	4 St. Mawes Close, Allestree, Derby, DE22 2GX	Single storey rear and side extension to dwelling (living/dining room, kitchen and tool store), front extension (canopy) and loft conversion (three bedrooms, bathroom, en-suite) to include raising the ridge height and installation of front and rear dormer windows; alteration of land levels to the property frontage.	Granted Conditionally	23/10/2015
05/15/00614/PRI	Full Planning Permission	16 Gisborne Crescent, Allestree, Derby, DE22 2FL	Single storey side and single storey rear extension to dwelling house	Granted Conditionally	20/10/2015
05/15/00648/PRI	Local Council own development Reg 3	Ashgate Primary School, Ashbourne Road, Derby, DE22 3FS	Installation of gates, side panels and vehicle barrier	Granted Conditionally	20/10/2015
06/15/00725/PRI	Full Planning Permission	1066 London Road, Derby, DE24 8QA	Change of use, alterations and single storey extension to coach house to form a dwelling house (use class C3)	Granted Conditionally	07/10/2015
06/15/00726/PRI	Full Planning Permission	32 Hilltop, Oakwood, Derby, DE21 4FX	Formation of rooms in the roof space (two bedrooms and bathroom)	Granted Conditionally	16/10/2015
06/15/00743/PRI	Full Planning Permission	75 Moray Walk, Derby, DE21 6BR	Single storey side extension to dwelling house (two bedrooms)	Granted Conditionally	20/10/2015
06/15/00744/PRI	Full Planning Permission	13 Wordsworth Drive, Sinfen, Derby, DE24 9GU	Two storey front extension to dwelling house (lounge, dining/ utility room, bedroom 3, bedroom 4 and shower room)	Granted Conditionally	27/10/2015
06/15/00746/PRI	Full Planning Permission	Derbyshire County Cricket Club, The County Ground, Nottingham Road, Derby, DE21 6DA	Erection of a Media Centre (office space, kitchen and toilet facilities on ground and first floor, media floor with radio and television boxes, corporate floor with corporate boxes and hospitality suites). Relocation of 'Falcons' stands and associated ancillary works.	Granted Conditionally	02/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
06/15/00772/PRI	Full Planning Permission	19 Rowley Lane, Littleover, Derby, DE23 7FT	Raising of roof height and two storey and single storey front side and rear extensions to dwelling house (shower room, utility room, sun lounge, bedroom, bathroom, en-suite and enlargement of sitting room, landing and three bedrooms)	Granted Conditionally	26/10/2015
06/15/00783/PRI	Non-material amendment	432 Kedleston Road, Derby, DE22 2TF	Single storey side extension, installation of shop front, ATM, alterations to service yard enclosure and associated external works - non-material amendment to previously approved permission DER/08/14/01162	Granted Conditionally	20/10/2015
06/15/00787/PRI	Advertisement consent	58 St. Peters Street, Derby, DE1 1SN (NatWest Bank)	Display of various signage	Granted Conditionally	20/10/2015
06/15/00788/PRI	Variation/Waive of condition(s)	Disused land adjacent 1 - 5 Railway Cottages, Sinfin Lane, Sinfin, Derby	Variation of condition 2 of previously approved planning permission code No. DER/05/09/00571- Construction and operation of Waste Treatment Facility comprising Reception and Recycling Hall; Mechanical Biological Treatment (MBT) Facility; Advanced Conversion Technology (ACT) Facility; Power Generation and Export Facility; Education and Office Accommodation; Landscaping; and Formation of Access, to alter landscaped bund, service yard area and gatehouse and erect a glass dome classroom.	Granted Conditionally	06/10/2015
06/15/00791/PRI	Full Planning Permission	58 St. Peters Street, Derby, DE1 1SN (NatWest Bank)	Installation of new shop front and shutters	Granted Conditionally	20/10/2015
06/15/00811/PRI	Full Planning Permission	198 Duffield Road, Derby, DE22 1BL	First floor rear extension to dwelling house (two bedrooms), installation of roof lights and new window to the side elevations	Granted Conditionally	02/10/2015
06/15/00820/PRI	Full Planning Permission	36 Morley Road, Chaddesden, Derby, DE21 4QU	Demolition of dwelling and erection of replacement dwelling house with attached garage	Granted Conditionally	23/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
06/15/00824/PRI	Outline Planning Permission	Land at the rear of 26 North Avenue, Mickleover, Derby, DE3 5HX	Residential development (one dwelling)	Refuse Planning Permission	20/10/2015
06/15/00829/PRI	Variation/Waive of condition(s)	Site of and land at rear of St.Josephs Church Hall, Mill Hill Lane, Derby	Variation of condition 2 of previously approved planning permission DER/07/11/00788/PRI (Appeal Decision Ref APP/C1055/A/12/2174274) to amend the approved plans	Granted Conditionally	02/10/2015
06/15/00830/PRI	Full Planning Permission	34 Park Road, Spondon, Derby, DE21 7LN	Demolition of front boundary wall. Single storey rear extension to dwelling house (enlargement of kitchen and sun room), erection of single storey outbuilding (garage/workshop) and front boundary wall	Granted Conditionally	20/10/2015
06/15/00835/PRI	Full Planning Permission	42 Brighton Road, Alvaston, Derby, DE24 8SY	First floor side extension, external alterations and change of use from retail (use class A1) to form four flats (use class C3)	Granted Conditionally	20/10/2015
06/15/00838/PRI	Full Planning Permission	42 St. Peters Street, Derby (McDonalds)	Installation of new shop front	Granted Conditionally	09/10/2015
06/15/00839/PRI	Advertisement consent	42 St. Peters Street, Derby (McDonalds)	Display of two halo illuminated fascia signs, one internally illuminated (LED) projecting sign and LCD promotional screen	Granted Conditionally	09/10/2015
06/15/00852/PRI	Full Planning Permission	198 Boulton Lane, Derby, DE24 0BA	Two storey side and single storey rear extensions to dwelling house (garage, bedroom and enlargement of kitchen and living room)	Granted Conditionally	12/10/2015
07/15/00864/PRI	Full Planning Permission	52 Crayford Road, Alvaston, Derby, DE24 0HN	Single storey side and rear extension to dwelling house (garage, utility room, shower room and enlargement of kitchen/dining room)	Granted Conditionally	16/10/2015
07/15/00875/PRI	Advertisement consent	Arboretum Primary School, Corden Street, Derby, DE23 8GP	Display of two banner signs for a temporary period of 3 years	Granted Conditionally	08/10/2015
07/15/00876/PRI	Full Planning Permission	Silvertrees Nursery, 40 Ashbourne Road, Derby, DE22 3AD	Alterations to car park layout including formation of six additional spaces	Granted Conditionally	08/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/15/00906/PRI	Full Planning Permission	147 Ashbourne Road, Derby, DE22 3FW	Three storey rear extension to dwelling house and erection of detached single storey building to form six self contained flats for student accommodation	Granted Conditionally	30/10/2015
07/15/00907/PRI	Full Planning Permission	34 Thorndike Avenue, Alvaston, Derby, DE24 8NZ	Single storey side and rear extensions to dwelling house (bedroom, wet room, and enlargement of kitchen)	Granted Conditionally	30/10/2015
07/15/00913/PRI	Full Planning Permission	58 Bank View Road, Derby, DE22 1EJ	Two storey side extension to dwelling house (garage, bathroom and enlargement of bedroom)	Granted Conditionally	20/10/2015
07/15/00915/PRI	Works to Trees in a Conservation Area	St. Alkmunds Church, 40 Kedleston Road, Derby, DE22 1GU	Felling of one Sycamore (B) to rear of church. Sycamore tree (A) to be reduced away from the church and 15 Queen Mary Court by up to 3 metres within the Strutts Park Conservation Area	Raise No Objection	23/10/2015
07/15/00918/PRI	Full Planning Permission	454 Kedleston Road, Derby, DE22 2ND	Two storey and single storey rear extensions to dwelling house (living space, bedroom and enlargement of kitchen)	Granted Conditionally	26/10/2015
07/15/00919/PRI	Works to Trees under TPO	185A Station Road, Mickleover, Derby, DE3 5FH	Removal of overhanging branch of Pine tree (T16) protected by Tree Preservation Order No 8	Granted Conditionally	21/10/2015
07/15/00920/PRI	Works to Trees under TPO	185A Station Road, Mickleover, Derby, DE3 5FH	Cutting back of six overhanging branches of Pine tree (T17) protected by Tree Preservation Order No 8	Refuse Planning Permission	21/10/2015
07/15/00921/PRI	Works to Trees under TPO	185A Station Road, Mickleover, Derby, DE3 5FH	Cutting back of overhanging branch of Pine tree (T19) protected by Tree Preservation Order No 8	Granted Conditionally	21/10/2015
07/15/00922/PRI	Works to Trees under TPO	185A Station Road, Mickleover, Derby, DE3 5FH	Cutting back of overhanging branch of Pine tree (T20) protected by Tree Preservation Order No 8	Granted Conditionally	21/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
07/15/00926/PRI	Full Planning Permission	23 York Street, Derby, DE1 1FZ (York Tavern)	Change of use from Public House (Use Class A4) to two flats (Use Class C3) including installation of render to the front elevation and replacement windows	Granted Conditionally	20/10/2015
07/15/00927/PRI	Full Planning Permission	20 Farndale Court, Cod Beck Close, Alvaston, Derby, DE24 0RL	Single storey rear extension to dwelling house (enlargement of kitchen/dining room)	Granted Conditionally	16/10/2015
07/15/00937/PRI	Full Planning Permission	Sinfin Moor Church, Arleston Lane, Sinfin, Derby, DE24 3DH	Erection of height restriction barrier	Granted Conditionally	13/10/2015
07/15/00942/PRI	Full Planning Permission	71 Craddock Avenue, Spondon, Derby, DE21 7HS	Single storey side and rear extension to dwelling house (living space)	Granted Conditionally	16/10/2015
07/15/00943/PRI	Full Planning Permission	Site of 147 Pastures Hill, Littleover, Derby, DE23 7AZ	Demolition of dwelling and erection of replacement dwelling house and detached double garage	Granted Conditionally	16/10/2015
07/15/00953/PRI	Full Planning Permission	72 Brackensdale Avenue, Derby, DE22 4AE	Single storey side and rear extensions to dwelling house (bedroom, shower room, utility room, store and enlargement of dining room)	Granted Conditionally	16/10/2015
07/15/00959/PRI	Advertisement consent	11 Shardlow Road, Alvaston, Derby, DE24 0JG (Card Zone)	Display of internally illuminated fascia sign and internally illuminated projecting sign	Granted Conditionally	20/10/2015
07/15/00971/PRI	Works to Trees under TPO	Trees at 22 Whistlestop Close, Mickleover, Derby	Cut back branches by 3m of one Ash tree and cut back branches by 2m to a second Ash tree protected by Tree Preservation Order No. 172	Granted Conditionally	13/10/2015
07/15/00975/PRI	Certificate of Lawfulness Proposed Use	Derby Sewage Treatment Works, Megaloughton Lane, Spondon, Derby, DE21 7BR	Installation of solar panels	Granted	08/10/2015
07/15/00976/PRI	Full Planning Permission	8 Waterside Close, Darley Abbey, Derby, DE22 1JT	Single storey front and side extensions to dwelling house (utility room and porch)	Granted Conditionally	08/10/2015
07/15/00984/PRI	Certificate of Lawfulness Proposed Use	108 Blenheim Drive, Allestree, Derby, DE22 2LG	Single storey side extension to dwelling house (garage, w.c. and enlargement of kitchen)	Refuse Planning Permission	08/10/2015
08/15/00988/PRI	Full Planning Permission	90 Parkway, Chellaston, Derby, DE73 5QA	Erection of outbuilding (garden/activity room)	Granted Conditionally	08/10/2015
08/15/00992/PRI	Full Planning Permission	8 Stanley Road, Alvaston, Derby, DE24 0AA	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	16/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/15/00996/PRI	Full Planning Permission	45 - 46 Sadler Gate, Derby, DE1 3NQ	Installation of replacement shop front	Granted Conditionally	16/10/2015
08/15/00999/PRI	Non-material amendment	Land at rear of 488 - 496, Duffield Road, Derby	Erection of dwelling house and detached garage - non-material amendment to planning permission DER/12/14/01650 to include the addition of a bay window to the front elevation, alterations to the internal layout and alterations to the fenestration	Granted	16/10/2015
08/15/01004/PRI	Full Planning Permission	336 Sinfin Lane, Sinfin, Derby, DE24 9HU	Single storey rear extension to dwelling house (family room and shower room)	Granted Conditionally	08/10/2015
08/15/01007/PRI	Local Council own development Reg 3	142 Borrowfield Road, Spondon, Derby, DE21 7HG	Single storey side and rear extension to dwelling house (lobby and bedroom)	Granted Conditionally	20/10/2015
08/15/01011/PRI	Certificate of Lawfulness Proposed Use	220 Uttoxeter Road, Mickleover, Derby, DE3 5AB	Alterations to garden room - Installation of new roof, doors & alterations to the fenestration to form dining area	Granted	08/10/2015
08/15/01012/PRI	Works to Trees under TPO	1 Culworth Court, Oakwood, Derby, DE21 2PR	Crown reduction by 5m and crown thinning by 30% of Oak Tree protected by Tree Preservation Order No.247	Refuse Planning Permission	13/10/2015
08/15/01013/PRI	Works to Trees under TPO	3 Culworth Court, Oakwood, Derby, DE21 2PR	Crown reduction by 5m and crown thin by 20% of Oak Tree protected by Tree Preservation Order No.247	Refuse Planning Permission	13/10/2015
08/15/01015/PRI	Full Planning Permission	20 Cummings Street, Derby, DE23 6WW	Change of use from education and training centre (use class D1) to dwelling house (use class C3)	Granted Conditionally	20/10/2015
08/15/01020/PRI	Full Planning Permission	840 Osmaston Road, Derby, DE24 9AB (Co-operative food store)	Retention of installation of ATM	Granted Conditionally	05/10/2015
08/15/01021/PRI	Advertisement consent	840 Osmaston Road, Derby, DE24 9AB (Co-operative food store)	Display of non-illuminated fascia sign	Granted Conditionally	05/10/2015
08/15/01024/PRI	Works to Trees under TPO	9 Buckminster Close, Oakwood, Derby, DE21 2EA	Crown reduction by 0.5-1m and crown thin by 15% of Sycamore tree protected by Tree Preservation Order No 124	Granted Conditionally	27/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/15/01027/PRI	Full Planning Permission	16D George Street, Derby, DE1 1EH (former Zest restaurant)	Change of use from restaurant (Use Class A3) to mixed use training and events centre and hospitality venue	Granted Conditionally	20/10/2015
08/15/01028/PRI	Full Planning Permission	4 Newbridge Crescent, Shelton Lock, Derby, DE24 9FR	First floor rear extension to dwelling house (bedroom, en-suite and enlargement of bedroom)	Granted Conditionally	19/10/2015
08/15/01029/PRI	Advertisement consent	770 London Road, Derby, DE24 8UT (YMCA)	Display of internally illuminated totem sign	Granted Conditionally	20/10/2015
08/15/01032/PRI	Advertisement consent	T C Harrison Ford, Stadium View, Pride Park, Derby, DE24 8JH	Display of non-illuminated fascia sign	Granted Conditionally	13/10/2015
08/15/01041/PRI	Full Planning Permission	85 Jackson Avenue, Mickleover, Derby, DE3 5AU	Single storey front extension to dwelling house (porch)	Granted Conditionally	07/10/2015
08/15/01044/PRI	Works to Trees under TPO	10 Barleycorn Close, Oakwood, Derby, DE21 2TY	Crown lift to 4 metres and pruning of Oak tree protected by Tree Preservation Order No 31	Granted	13/10/2015
08/15/01045/PRI	Demolition-Prior Notification	839 London Road, Derby, DE24 8UZ	Demolition of three single storey buildings	Raise No Objection	29/10/2015
08/15/01048/PRI	Full Planning Permission	38 Gravel Pit Lane, Spondon, Derby, DE21 7DB	Two storey side and single storey front and rear extensions to dwelling house	Granted Conditionally	02/10/2015
08/15/01050/PRI	Full Planning Permission	14 Lockington Close, Chellaston, Derby, DE73 1XD	Two storey side extension to dwelling house (entrance hall, cloak, day and utility rooms, two bedrooms and en-suite)	Granted Conditionally	12/10/2015
08/15/01051/PRI	Full Planning Permission	7 Naseby Close, Mickleover, Derby, DE3 5QU	Single storey extension to dwelling house	Granted Conditionally	07/10/2015
08/15/01052/PRI	Full Planning Permission	26 Caernarvon Close, Spondon, Derby, DE21 7RF	Single storey front extension to dwelling house (store room)	Granted Conditionally	07/10/2015
08/15/01053/GOV	Non-material amendment	Carlisle Infant School, Carlisle Avenue, Littleover, Derby, DE23 7ES	Demolition of Infant School. Erection of Infant School, Nursery and associated external hard and soft landscaping - non-material amendments to previously approved planning permission DER/06/14/00882	Granted	02/10/2015
08/15/01055/PRI	Certificate of Lawfulness Proposed Use	39 Amber Road, Allestree, Derby, DE22 2QB	Erection of single storey rear extension to dwelling house	Granted	13/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/15/01056/PRI	Full Planning Permission	17 Daventry Close, Mickleover, Derby, DE3 5QT	Two storey side extension to dwelling house (utility room, cloakroom, nursery, bedroom and en-suite)	Granted Conditionally	26/10/2015
08/15/01058/PRI	Works to Trees in a Conservation Area	177 Mansfield Road, Derby, DE1 3RF	Crown reduction (height) by 2.5 metres, with a proportional reduction to the sides of the crown to result in a Purple Leaf Flowering Cherry Tree of typical form within the Little Chester Conservation Area	Raise No Objection	13/10/2015
08/15/01059/PRI	Full Application - Article 4	4 Old Chester Road, Derby, DE1 3SA	Installation of replacement windows and re-instatement of stone mullion to the front elevation	Granted Conditionally	09/10/2015
08/15/01060/PRI	Local Council own development Reg 3	Milestone House, 93 Green Lane, Derby, DE1 1RX	Installation of two new doors, one window, part demolition of boundary wall and installation of two steps to form an access to Degge Street	Granted Conditionally	08/10/2015
08/15/01062/PRI	Certificate of Lawfulness Proposed Use	11 Silverburn Drive, Oakwood, Derby, DE21 2JJ	Single storey rear extension to dwelling house (kitchen/dining room)	Granted	22/10/2015
08/15/01063/PRI	Works to Trees under TPO	100 Chain Lane, Littleover, Derby, DE23 7EB	Felling of Laburnum and three Poplar Trees protected by Tree Preservation Order No. 322	Granted Conditionally	13/10/2015
08/15/01065/PRI	Full Planning Permission	18 Kedleston Street, Derby, DE1 3JW	Alterations to form single storey side extension to dwelling house (dining room and lobby)	Granted Conditionally	07/10/2015
08/15/01066/PRI	Full Planning Permission	Stratstone Jaguar, Chequers Road, West Meadows Industrial Estate, Derby, DE21 6EN	Erection of wash bay for two vehicles and formation of a new site access from Downing Road	Granted Conditionally	26/10/2015
08/15/01067/	Full Planning Permission	328 Normanton Road, Derby, DE23 6WE (Scoops Diner)	Single storey rear extension to restaurant (cold store)	Granted Conditionally	20/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/15/01068/PRI	Full Planning Permission	70 Cardigan Street, Derby, DE21 6DX	Alterations to ground floor layout to form two flats (use class C3), erection of external staircase and alterations to the elevations	Granted Conditionally	08/10/2015
08/15/01070/PRI	Full Planning Permission	Former Speeds Garage, Siddals Road, Derby, DE1 2PY	Change of use from garage and car showroom (sui generis/B2 use) to trampoline centre (use class D2) and associated cafe (use class A3)	Granted Conditionally	20/10/2015
08/15/01072/PRI	Full Planning Permission	Frankie and Bennys, Manor Road, Derby, DE23 6BR	Installation of timber cladding and render to the external elevations	Granted Conditionally	21/10/2015
08/15/01073/PRI	Full Planning Permission	GK Seat Group, Locomotive Way, Pride Park, Derby, DE24 8PU	Alterations to car park layout	Granted Conditionally	22/10/2015
08/15/01074/PRI	Full Application - Article 4	23 North Parade, Derby, DE1 3AY	Installation of window in the south elevation at second floor height	Refuse Planning Permission	29/10/2015
08/15/01077/PRI	Works to Trees under TPO	Cavendish Court, Cavendish Street, Derby, DE1 1UD	Crown reduction of one Robina and two Silver Birch Trees protected by Tree Preservation Order No. 547	Granted Conditionally	20/10/2015
08/15/01079/PRI	Works to Trees under TPO	40 Applemead Close, Derby, DE21 4QP	Crown reduction of Ash tree - to reduce the height by 6 metres and reduce the width by 2 -3 metres protected by Tree Preservation Order No. 149	Granted Conditionally	16/10/2015
08/15/01080/PRI	Full Planning Permission	22 Derwent Avenue, Allestree, Derby, DE22 2DQ	Formation of rooms in the roof space to include the installation of dormer windows on the side and rear elevations and roof windows to the front and side elevations	Granted Conditionally	20/10/2015
08/15/01083/PRI	Local Council own development Reg 3	179 Warwick Avenue, Derby, DE23 6HN	Single storey side extension to dwelling house (shower room)	Granted Conditionally	20/10/2015
08/15/01085/PRI	Full Planning Permission	71 Jackson Avenue, Mickleover, Derby, DE3 5AU	Erection of outbuilding (garage with storage above)	Granted Conditionally	28/10/2015
08/15/01086/PRI	Full Planning Permission	Sainsbury's Supermarkets Ltd, 1 Peak Drive, Derby, DE24 8EB	Erection of a freestanding retail pod (use class A1)	Granted Conditionally	23/10/2015
08/15/01087/PRI	Advertisement consent	Sainsbury's Supermarkets Ltd, 1 Peak Drive, Derby, DE24 8EB	Display of four internally illuminated fascia signs and four non-illuminated board signs	Granted Conditionally	23/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/15/01089/PRI	Full Planning Permission	86 Havenbault Lane, Littleover, Derby, DE23 7AE	Change of use of detached domestic garage to hair and beauty salon (Use Class A1/Sui Generis) and elevation changes to accommodate the building conversion	Granted Conditionally	28/10/2015
08/15/01090/PRI	Works to Trees under TPO	105 Whitaker Road, Derby, DE23 6AQ	Crown thinning by 10% and removal of deadwood of Corsican Pine tree protected by Tree Preservation Order No. 280	Granted Conditionally	21/10/2015
08/15/01091/PRI	Works to Trees under TPO	1 The Plantation, Littleover, Derby, DE23 6EG	Crown reduction by 2m of Oak tree protected by Tree Preservation Order No. 37	Granted Conditionally	21/10/2015
08/15/01092/PRI	Full Planning Permission	19 Chantry Close, Mickleover, Derby, DE3 5TG	Two storey side extension to dwelling house (study, w.c., bedroom and bathroom)	Granted Conditionally	12/10/2015
08/15/01093/PRI	Full Planning Permission	10 Porters Lane, Oakwood, Derby, DE21 4FZ	Front, side and rear extensions to dwelling (porch, store, and enlargement of kitchen and garage)	Granted Conditionally	08/10/2015
08/15/01096/PRI	Works to Trees in a Conservation Area	St. Matthews Churchyard, 25 Church Lane, Darley Abbey, Derby, DE22 1EY	Felling of Hawthorn Tree within Darley Abbey Conservation Area	Raise No Objection	08/10/2015
08/15/01097/PRI	Full Planning Permission	15 Drury Avenue, Spondon, Derby, DE21 7GA	Retention of front boundary wall and gates	Granted Conditionally	08/10/2015
08/15/01105/PRI	Full Planning Permission	95 St. Chads Road, Derby, DE23 6RP	Single storey rear extension to dwelling house (kitchen)	Granted Conditionally	27/10/2015
08/15/01107/PRI	Full Planning Permission	165 Blenheim Drive, Allestree, Derby, DE22 2GN	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	26/10/2015
09/15/01108/PRI	Prior Approval - Telecommunications	Site of telecommunications mast, adjacent footpath St. Alkmunds Way / Phoenix Street, Derby	Installation of replacement 15m high monopole with antennae, equipment cabinet and ancillary works	Raise No Objection	26/10/2015
09/15/01110/PRI	Works to Trees under TPO	80A Chestnut Avenue, Mickleover, Derby, DE3 5FS	Felling of Chestnut Tree protected by Tree Preservation Order No. 8	Granted Conditionally	21/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/15/01111/PRI	Full Application - Article 4	109 Duffield Road, Derby, DE22 1AE	Installation of new door to the front elevation	Granted Conditionally	26/10/2015
09/15/01114/PRI	Full Planning Permission	63 Copes Way, Chaddesden, Derby, DE21 4NU	Two storey side and single storey rear extensions to dwelling house (store, w.c, enlargement of kitchen, bedroom and en-suite)	Granted Conditionally	26/10/2015
09/15/01115/PRI	Variation/Waive of condition(s)	52 Beeley Close, Allestree, Derby, DE22 2PX	Variation of condition 2 of previously approved planning permission Code No. DER/04/14/00488/PRI to amend the approved roof design (alterations to bargeboard)	Granted Conditionally	26/10/2015
09/15/01116/PRI	Full Planning Permission	82 Carlton Road, Derby, DE23 6HD	Installation of front and rear dormers and ground and first floor extension to dwelling (two bedrooms, bathroom and enlargement of dining room)	Refuse Planning Permission	26/10/2015
09/15/01117/PRI	Full Planning Permission	4 Stonechat Close, Mickleover, Derby, DE3 5XQ	Two storey side extension to dwelling house (kitchen, dining room, utility room, two bedrooms and en-suite)	Refuse Planning Permission	26/10/2015
09/15/01121/PRI	Full Planning Permission	20 Arlington Road, Derby, DE23 6NY	Single storey rear extension to dwelling house (lounge and decked area)	Granted Conditionally	12/10/2015
09/15/01122/PRI	Full Planning Permission	184 Chellaston Road, Derby, DE24 9EA	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	26/10/2015
09/15/01130/PRI	Full Planning Permission	18a Stenson Road, Derby, DE23 7JA	Change of use from residential (use class C3) to hair and beauty salon (use class A1/ sui generis use)	Granted Conditionally	28/10/2015
09/15/01132/PRI	Full Planning Permission	31-33 Longbridge Lane, Derby	Change of use from light industry (use class B1) to general industry (use class B2)	Granted Conditionally	27/10/2015
09/15/01133/PRI	Full Planning Permission	Land at Rolls Royce Plc, Sinfin Site, south of substation, Victory Road, Derby	Formation of car park (318 spaces) and vehicular access from Victory Road	Granted Conditionally	27/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/15/01135/PRI	Local Council devt Reg 4	27 Nightingale Road, Derby	Conversion of dwelling house to form three flats (use class C3)	Granted Conditionally	27/10/2015
09/15/01139/PRI	Full Planning Permission	15 Sale Street, Derby, DE23 8GE	Single storey rear extension to dwelling house (kitchen/diner)	Granted Conditionally	20/10/2015
09/15/01140/PRI	Works to Trees in a Conservation Area	Trees at rear of White House, 2, New Road, Darley Abbey, Derby, DE22	Felling of Conifer tree within the Darley Abbey conservation area	Raise No Objection	21/10/2015
09/15/01141/PRI	Works to Trees under TPO	124 Whitaker Road, Derby, DE23 6AP	Felling of Rowan Tree protected by Tree Preservation Order No. 278	Granted Conditionally	29/10/2015
09/15/01142/PRI	Works to Trees under TPO	120 Whitaker Road, Derby, DE23 6AP	Crown lift to 5m and crown thin by 15% of Lime tree protected by Tree Preservation Order No. 278	Granted Conditionally	27/10/2015
09/15/01143/PRI	Works to Trees under TPO	116 Whitaker Road, Derby, DE23 6AP	Felling of Silver Birch tree protected by Tree Preservation Order No. 278	Refuse Planning Permission	27/10/2015
09/15/01144/PRI	Works to Trees under TPO	The Yews, 2 Church Street, Alvaston, Derby, DE24 0PR	Reduction of exposed limbs and removal of deadwood of Cedar tree and crown reduction by 1m (approx) of Yew Tree protected by Tree Preservation Order No. 176	Granted Conditionally	27/10/2015
09/15/01148/PRI	Full Planning Permission	Royal Derby Hospital, Uttoxeter New Road, Derby	Single storey side extension to sub-station	Granted Conditionally	30/10/2015
09/15/01150/PRI	Full Planning Permission	7 Derby Lane, Derby, DE23 8UB	Change of use of ground floor from retail (use class A1) and first floor from residential (use class C3) to beauty salon (sui generis use)	Granted Conditionally	20/10/2015
09/15/01153/PRI	Full Planning Permission	23 Bramblewick Drive, Littleover, Derby, DE23 7YG	Single storey side extension to dwelling house (bedroom and en-suite)	Granted Conditionally	20/10/2015
09/15/01155/PRI	Full Planning Permission	Part of former Quarndon Electronics Ltd, Slack Lane, Derby	Alterations to the front and rear elevations (installation of new doors and windows)	Granted Conditionally	30/10/2015
09/15/01158/PRI	Full Planning Permission	13a Inglewood Avenue, Mickleover, Derby, DE3 5RT	Two storey side extension to dwelling house (garage, utility room, bathroom and enlargement of bedroom)	Granted Conditionally	27/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/15/01160/PRI	Prior Approval - Householder	19 West Bank Avenue, Derby, DE22 1AQ	Single storey rear extension (projecting beyond the rear wall of the original house by 5.95m, maximum height 3.95m, height to eaves 2.35m) to dwelling house	Prior Approval Not required	23/10/2015
09/15/01161/PRI	Prior Approval - Householder	21 Frampton Gardens, Littleover, Derby, DE23 7WX	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 2.5m) to dwelling house	Prior Approval Approved	23/10/2015
09/15/01163/PRI	Full Planning Permission	5 Summer Wood Court, Derby, DE23 7WG	Single storey side extension to dwelling (kitchen and store)	Granted Conditionally	27/10/2015
09/15/01164/PRI	Full Planning Permission	36 Crabtree Close, Allestree, Derby, DE22 2SW	First floor side extension to dwelling house (bedroom) and raising of existing roof height to form rooms in the roof space	Refuse Planning Permission	26/10/2015
09/15/01166/PRI	Full Planning Permission	532 Duffield Road, Derby, DE22 2DL	Two storey rear extension to dwelling house (kitchen/dining, living room, w.c, bathroom and two bedrooms)	Granted Conditionally	20/10/2015
09/15/01167/PRI	Local Council own development Reg 3	85 Haddon Street, Derby, DE23 6NQ	Single storey rear extension to dwelling house (shower room)	Granted Conditionally	26/10/2015
09/15/01169/PRI	Full Planning Permission	32 Church Street, Littleover, Derby, DE23 6GD	Single storey rear extension to dwelling house (kitchen/conservatory) with balcony above	Granted Conditionally	27/10/2015
09/15/01175/PRI	Works to Trees in a Conservation Area	Trees at rear of Friar Gate Surgery, Agard Street, Derby	Re-pollarding of London Plane tree and crown lift to 3.5m of Lime within the Friar Gate Conservation Area	Raise No Objection	29/10/2015
09/15/01177/PRI	Works to Trees in a Conservation Area	2 Margaret Street, Derby, DE1 3FE	Crown reduction to 1m (maximum) to Silver Birch tree and Cherry trees within the Strutts Park Conservation Area	Raise No Objection	29/10/2015
09/15/01180/PRI	Works to Trees in a Conservation Area	60 Belper Road, Derby, DE1 3EN	Pollarding of four Lime trees within the Strutts Park Conservation Area	Raise No Objection	28/10/2015
09/15/01183/DCC	Listed Building Consent - alterations	The Orangery Cafe, Markeaton Craft Village, Markeaton Park, Derby, DE22 3BG	Installation of two external extraction flues	Granted Conditionally	30/10/2015

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/15/01191/PRI	Prior Approval - Householder	4 Essex Street, Derby, DE21 6DR	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3m, height to eaves 2.2m) to dwelling house	Prior Approval Not required	27/10/2015
09/15/01202/PRI	Prior Approval - PV on Non-Domestic	Landau Forte College, Fox Street, Derby, DE1 2LF	Installation of Solar PV Panels on roof	Prior Approval Approved	30/10/2015
10/15/01238/PRI	Prior Approval - Householder	9 Wade Avenue, Littleover, Derby, DE23 6BG	Single storey rear extension (projecting beyond the rear wall of the original house by 5.25m, maximum height 3.4m, height to eaves 2.4m) to dwelling house	Prior Approval Approved	27/10/2015
10/15/01246/PRI	Prior Approval - Householder	28 Walthamstow Drive, Derby, DE22 4BR	Single storey rear extension (projecting beyond the rear wall of the original house by 3.7m, maximum height 3m, height to eaves 2.1m) to dwelling house	Prior Approval Not required	27/10/2015
10/15/01249/PRI	Works to Trees in a Conservation Area	98 Belper Road, Derby, DE1 3EQ	Felling of various trees within Strutts Park Conservation Area	Raise No Objection	30/10/2015