



PLANNING CONTROL COMMITTEE
11 May 2017

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 |
| 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 - 37 | 12/15/01570 | Site of Rose and Crown PH and St. Ralph Sherwin Centre, Swarkestone Road, Chellaston. | Demolition of existing buildings and structures and erection of retail store (use class A1), car parking and servicing areas, access and associated works. | <p>A. To authorise the 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 | 38 - 45 | 01/17/00103 | Site of 10 Farley Road, Derby. | Demolition of dwelling and erection of replacement dwelling house - variation of conditions 2 & 4 of previously approved planning permission Code No. DER/12/14/01690 to amend the approved plans to accommodate rear elevation raised patio and associated ground works. | To grant planning permission with conditions |
| 3 | 46 - 54 | 02/17/00222 | Car Park adjacent to Eley Walk, Gerard Street, Derby. | Erection of four dwelling houses and formation of vehicular access. | To grant planning permission with conditions |
| 4 | 55 - 60 | 02/17/00177 | 133 Brighton Road, Alvaston. | Change of use from dwelling house (use class C3) to house in multiple occupation (sui generis use) and erection of a single storey rear extension. | To grant planning permission with conditions |
| 5 | 61 - 71 | 04/17/00454 | Car park & Garage blocks off City Road, Derby. | Demolition of existing garages and change of use to a secure car park area. | To grant planning permission with conditions |

1. Application Details

Address: Site of the Rose and Crown PH and the St. Ralph Sherwin Centre, Swarkestone Road, Chellaston.

Ward: Chellaston

Proposal:

Demolition of existing buildings and structures and erection of retail store (Use Class A1), car parking and servicing areas, access and associated works.

Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/12/15/01570>

Brief description

The site of the proposal comprises approximately 0.71 ha of land fronting Swarkestone Road. The site is currently occupied by the Rose and Crown PH (and associated garden and buildings) and the St. Ralph Sherwin Centre (place of worship) and the associated parking area. At the time of writing, both the public house and place of worship are in active use. The whole of the site is allocated as part of Chellaston District Centre in the adopted City of Derby Local Plan Review (CDLPR).

To the immediate north of the site is the Corner Pin Public House, with fencing and vegetation demarking the boundary; to the east is the A514 carriageway; to the south are the grounds and school buildings of Chellaston Academy; to the west is the Bowling Club and pavilion and beyond to the north west are residential properties on Station Road. The Rose and Crown PH building is a part two storey part single storey structure which fronts Swarkestone Road. The St. Ralph Sherwin Centre is an angular block shaped mono-pitched roof building set back from the highway, with a side blank brick gable facing Swarkestone Road. Two separate existing car parks occupy the site serving both the Public House and place of worship. Land levels are relatively flat across the site.

Tree Preservation Order (TPO) 585 covers three individual trees, two groups and one area of trees within the curtilage of the Rose and Crown PH and the St Ralph Sherwin Centre. The site is not within a Conservation Area. A group of 1 Willow, 2 Oak, 1 Beech, 1 Rowan, 3 Ash and 1 Cherry are to the rear of the Rose and Crown PH, adjoining an outdoor seating area; a group of 6 Hornbeam trees are on the boundary between the St. Ralph Sherwin Centre and Chellaston Academy; an area of Ash and Blackthorn trees on the boundary between the St Ralph Sherwin Centre and Rose and Crown PH. Other mature vegetation bounds the site as well as the site interior.

The proposal

Amended plans – Following extensive negotiations throughout the life of this application amended plans have been received showing a relocation of the proposed access 15m further toward the proposed store building; revised car park layout; new drainage layout plan drawing (plan drawing numbers ELL-532-L-W-100 & 300);

revised drawings showing proposed store footprint moved 2 metres further toward Swarkestone Road (plan drawing number AD 110 revision B), retained / new planting to rear west aspect of building (plan drawing number AD 117 revision B), revised car park layout to allow for retention of two existing Oak trees (T9 & T10) (plan drawing number AD 110 revision B), updated landscaping scheme (plan drawing number AD 116 revision D), revised boundary treatment to include sections of acoustic fencing along the north and west curtilage boundaries (plan drawing number AD 114 revision C), updated site finishes drawing (plan drawing number AD 115 revision B)

The application seeks planning permission for the construction of a new retail unit covering approximately 2,312sqm (gross) with a proposed sales area of approximately 1,345sqm (net). The applicant is the 'deep discount' retailer Lidl UK. Lidl are a mainstream convenience foodstore operator, although they generally sell non-food comparison goods in an ancillary manner from up to 20% of the floorspace sales area.

The proposed retail store itself would be positioned to the south of the site with its main elevation fronting both the car park area and Swarkestone Road. The building would have a footprint of approximately 75metres by approximately 30metres, excluding the end loading bay. The roof design would be a shallow mono-pitch with a height of approximately 7.5m sloping down to approximately 5.3m toward the rear of the site.

The site access would be positioned, as per the amended plan drawings, the associated car park would have a total of 115 marked car parking spaces and would be provided within the site with a single point of access. A delivery and unloading area would take place via a delivery dock situated to the western boundary, with an access route parallel to the store, terminating toward the rear section of the store. Cycle storage would be located to the back of the trolley bay areas.

An access strategy has been proposed that comprises the provision of a right turn lane on the A514 southbound and associated carriageway widening; pedestrian footway widening along the site frontage; 'keep clear' markings on the site access.

The applicant indicates within the submitted documents that they seek to operate the proposed retail store between the hours of 07:00 - 22:00 Monday to Saturday and 10:00 – 17:00 on Sundays and Bank Holidays. The development, once operational, would employ between 25 and 40 full-time and part-time staff members, as stated in the submitted documents.

The application is accompanied by the following suite of documents:

Design and Access Statement

Planning and Heritage Statement

Land Contamination Assessment

Preliminary Ecological Survey (certain ecological information being updated at the time of writing the report)

Heritage Appraisal

Noise Assessment

Statement of Community Involvement

Transport Assessment and Travel Plan
Tree Survey

2. Relevant Planning History:

| | | | |
|------------------------|-------------------------------------|---------------|--------------------------|
| Application No: | DER/09/06/01490 | /Type: | Full Planning Permission |
| Decision: | Granted | Date: | 01/11/2006 |
| Description: | Extension to Public House – Veranda | | |

| | | | |
|------------------------|--|--------------|--------------------------|
| Application No: | DER/05/03/00864 | Type: | Full Planning Permission |
| Decision: | Granted conditionally | Date: | 14/07/2003 |
| Description: | Alterations to Public House – Repositioning of the front entrance, addition of toilets for disabled people and amendments to the ground floor drinking area. | | |

3. Publicity:

Neighbour Notification Letters sent to surrounding properties

Site Notices displayed near the site

Statutory Press Advert in the Derby Telegraph

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

4. Representations:

A total of 374 objections have been received and 91 letters of support. Ward Councillors Ingall and Grimadell raise objections

Councillor Ingall

- 1) It is not in keeping with the current street scene
- 2) It will increase traffic on what is already a busy road
- 3) It will create a high level of light pollution
- 4) It will cause issues with children crossing the roads on the way to school

Councillor Grimadell

Oppose this application.

Chellaston Residents Association

The main points raised include: fails to preserve or enhance the character and appearance of the centre, by reason of siting, scale, appearance, massing, overall design and boundary treatment; loss of trees; adverse effect on the listed building; living conditions of neighbouring properties; loss of the public house as an asset of community value; vitality of the centre; highway safety; increased volume of traffic

Summary of third party objections

- Loss of willow tree
- Already have a Tesco and Co-op and Aldi proposed at Chellaston Fields
- Scheme will distort Chellaston High Street

Classification: OFFICIAL

Committee Report Item No: 1

Application No: DER/12/15/01570

Type: Full Planning Application

- Dangers of school pupils next door
- Harmful and irreversible effect upon the setting of the Grade II listed building
- Unsuitable building in the village centre
- Assessment of existing community facilities flawed
- Cars pulling into and out of car park being dangerous for pedestrians
- Unsuitable to have a large store next to a school
- Traffic chaos in an already busy village centre
- The traffic modelling 'Linsig' is incorrect in assessing the traffic movements and impacts and trip rates
- It will kill off remaining small business in the area
- Part of site is outside of district centre and should be subject to an impact assessment
- Adding to pollution and congestion
- Increased traffic volume on an already very busy road, plus near to existing traffic signals on busy crossroads.
- The large articulated lorries that will be delivering will stop the traffic behind
- A new road is to be opened to ease the traffic but it will not be a solution as there are 4 new housing developments that will flow into the A514 causing further problems...the Tesco further up cause's problems as it is.
- Loss of historic pub unacceptable
- 115 car parking spaces will mean a high density of traffic entering and exiting the car park
- Residents want the pub not another supermarket
- The large glass frontage is also still very out of keeping with the neighbouring properties which maintain a 'village feel' to the surrounding area

Letters of Support

- There is demand for another foodstore
- New development along A514 would breathe new life into the centre
- Good and cheap prices
- Not only would it be a most useful facility but would provide a large number of new jobs to Chellaston
- Range of items and products not found elsewhere in Chellaston
- Many retired people benefit from store
- The store in Chaddesden is a drive away, closer proximity is a good thing

Classification: OFFICIAL

- Chellaston is in a need of a good supermarket that gives value for money
- Fresh injection of employment opportunities
- Good for pensioners

5. Consultations:

Conservation Area Advisory Committee:

Objections raised surrounding the impact on the setting of nearby Statutory Listed Building.

Built Environment:

The Rose and Crown PH is not on either the statutory or local list, and does not lie within a Conservation Area. It is a brick-built pub, with some built elements dating from the late-18th to early-19th century, and possibly earlier. These have been largely obscured by 20th century extensions, although in an appropriate form retaining the basic character of the historic streetscene leading north along Swarkestone Road and forming a group with the Corner Pin PH. The application is accompanied by a detailed Heritage Appraisal, which analyses the survival of historic features internally and externally. The buildings have been substantially altered both internally and externally in the 20th century, and it is agreed that the building is not of sufficient historic interest to merit inclusion on the local list. However, it does have historic form and character and contributes historic context to the setting of the adjacent grade II listed No.4 Swarkestone Road, as well as having evidential value for potential evidence of earlier historic structures.

The Rose and Crown PH and The Corner Pin PH are currently the sole survivors of the historic street scene, being otherwise surrounded by later 20th century development of widely varying character. Demolition of The Rose and Crown PH would remove the surviving historic neighbours of No.4, which contribute to its setting. Although The Rose and Crown PH partially obscures views of the cruck framing in more distant approaches from the south along Swarkestone Road, and demolition would open up views from the south, this would not outweigh its contribution to the historical setting of No.4. The listed building currently has a sense of enclosure created by the historical north wall of the Rose and Crown and some boundary trees. Replacement with 2m Paladin fencing would present quite an industrial appearance unsuitable to the setting and historic vernacular character of the listed building, and would not be adequately screened by the proposed shrub planting and existing sparse group of trees within the Corner Pins car park. The proposed supermarket would be a modern construction of form and materials typical of its age and function. In conjunction with the large expanse of car parking and the industrial character of the proposed fence, it would fail to enhance the setting of the listed building.

The demolition of the Rose and Crown PH and replacement with modern retail unit, car park and fencing, would be harmful to the setting of the listed building at No.4 Swarkestone Road. Harm to the setting of a listed building is contrary to Local Plan

Review policy E19, NPPF paras 132 and 134, and S. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

If approved, it is considered that some mitigation should be sought by condition:

1. Amendment of the north boundary to a low brick boundary wall (approx.1m), with coping, in line with surviving elements of the west boundary to the Corner Pins. To create some sense of separation between the two curtilages as well as reinstating historic enclosure.
2. Archaeological recording of the Rose and Crown.

Highways Development Control:

Introduction

The proposal seeks full planning approval for the development of a 2,312sqm Gross Floor Area (GFA) Lidl Discount food store. The proposed store is Lidl's new format and is significantly larger than existing discount stores in Derby. By way of comparison, the Nottingham Road Lidl Store is 1576sqm GFA, making this proposed development approximately 46% larger. The proposed store is well located within the Chellaston District Centre. There are other nearby discount food stores at:

| Store name and Location | Distance from Lidl Chellaston |
|--|-------------------------------|
| Co-op – Swarkestone Road, Chellaston | adjacent |
| Tesco – Swarkestone Road, Chellaston | 210 metres |
| Proposed Aldi, Swarkestone Road, Chellaston adjacent to the A50 – South Derbyshire App No: 9/2016/1208 | 700m |
| Co-op – Swarkestone Road, Chellaston | 1.7 miles |
| Aldi – Coleman Street, Alvaston | 2.5 miles |
| Lidl – Nottingham Road, Chaddesden | 5.9 miles |
| Aldi – Southmead Way, City Centre | 4.5 miles |
| Aldi – Nottingham Road, Chaddesden | 5.8 miles |

National Planning Policy Framework (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 it is the NPPF that will be considered by an Inspector should the application be determined by the Secretary of State.

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 following comments are provided in the context of the above guidance from NPPF:

Transport Assessment (TA)

When assessing a new development it is standard industry practice to consider existing traffic (background traffic) i.e. traffic on the road at present, plus the future traffic from any committed development, plus trip making by all modes generated by the development.

Committed development can include developments with planning permission or development allocated in a current local plan. This also includes infrastructure improvements such as T12 and these elements of the transport assessment process are considered in greater detail below.

Background Traffic

At the time that the scope of transport assessment (TA) for the above was being considered the new link road between the A50 and Wilmore Road called T12 was under construction. The modelling for T12 showed that the new route would remove traffic from the A514, however as the new route was not open the actual impact of the new road was unknown. Therefore to seek to ensure the proposed store was considered in a robust manner the developer was advised to assess the proposed store without T12 in place i.e. using existing traffic levels on the A514. Then, to make allowance for future development, growth was applied to the surveyed flows by applying a local traffic growth rate for Derby (TEMPO 7).

Whilst the above application has been being considered the T12 link road has opened providing the opportunity to understand the actual impact of the new road on the A514, albeit the new road has only been open for a relatively short period and therefore traffic patterns may still be changing. To seek to understand if the background traffic flows used in the modelling are robust DCC have compared current observed flows on the A514 (17/18 March 2017) obtained from the MOVA controlled traffic signals at High Street. The results are shown below.

| Background Traffic: Comparison of Nov 2015 to March 2017 | | | | |
|--|--|---------------------------------------|-----------------------------|------------|
| Day/Time | Direction of Travel on A514 at High St traffic signals | Traffic Count 13/14 Nov 2015 | Mova Count 17/18 March 2017 | Difference |
| Fri 16-17 | S/B | 783 | 679 | -104 (15%) |
| | N/B | 589 | 529 | -60 (11%) |
| Fri 17-18 | S/B | 757 | 645 | -112 (17%) |
| | N/B | 599 | 597 | -2 |
| Fri 18-19 | S/B | 623 | 629 | +6 |
| | N/B | 455 | 501 | +46 (10%) |
| Sat 12-13 | S/B | 583 | 669 | +86 (15%) |
| | N/B | 510 | 504 | -6 |
| Revised survey Figures from the Systra tech note dated | | | | |
| | Direction of Travel on A514 at High St traffic signals | Survey flows from the revised TA Note | Mova Count March 2017 | Difference |
| Fri | S/B | 771 | 645 | -126 |
| | N/B | 594 | 597 | +3 |
| Sat | S/B | 629 | 669 | +40 |
| | N/B | 564 | 504 | -60 |

(N.B. The figures entitled 'Revised survey Figures from the Systra tech note' are the figure that have been modelled but differ from the actual survey data. The reason is unknown.)

The results generally show there has been a reduction in southbound traffic on the A514 between 1600-1800 hrs, which is probably explained by Rolls Royce employees using T12 to get to the A50. The results for the northbound flows are mixed but does not show a reduction in the Friday development peak hour 1700 to 1800 which has been modelled. On Saturday the southbound flows have increased and the northbound flows stayed the same.

Development Traffic

Foodstore Trip Generation

It is industry standard practice to obtain predicted development related traffic generation figures from a national data base of traffic surveys called 'TRICS'. At Derby we request that 85th percentile trip rates are extracted from TRICS to provide a robust assessment. The Council made the applicant aware of surveys it had undertaken which indicated that the trips rates for discount food stores as shown in TRICS may be underestimating the level of trip generation produced by this type of development. This view came from experience of a recently completed Aldi on Coleman Street, which opened in April 2015. To seek to validate trip rates at another similar development proposal the Council undertook a survey at the Coleman Street store, the result of the survey was so surprising that other pm peak traffic surveys where undertaken at other discount food stores in the area.

The results of those surveys are shown below, and demonstrate that discount food stores observed trip rates are significantly higher when compared to those shown in TRICS (highlighted in yellow).

| Name of the Store | Friday pm peak trip rate per 100 sqm gfa | |
|---|--|-------|
| | In | Out |
| Aldi Coleman Street, Derby (1859sqm GFA) | 9.09 | 10.22 |
| Lidl Nottingham Road, Derby (1576sqm GFA) | 6.28 | 5.96 |
| Lidl Beeston, Nottingham (1810sqm GFA) | 6.57 | 6.63 |
| Lidl Arnold, Nottingham (2461sqm GFA) | 3.738 | 3.576 |
| Proposed Lidl Swarkestone Road (2,312sqm GFA) | 4.238 | 4.758 |
| Tuesday pm peak trip Rate | | |
| Aldi Coleman Street Derby | 9.93 | 8.7 |

It is considered the increased trip rates may be because the status and popularity of discount food retailers has surged in recent years, becoming brand leaders. This has influenced shopping habits where shoppers have moved away from traditional large food stores to smaller discount food retailers such as Lidl and Aldi.

DCC advised Lidl's consultants Systra of their findings in a technical note dated 5th October 2016. Systra responded by undertaking their own comparative traffic generation survey at Lidl's food store in Arnold Nottingham. The Arnold store was considered to be comparable in size and location to the proposed Chellaston food store. The Arnold store is approximately 2,461sqm of GFA, 149sqm GFA bigger than the proposed Chellaston food store.

Lidl undertook surveys at Arnold on Friday 21st and Saturday 22nd October 2016 of all arrival and departures during the peak periods of 1600-1900 (Friday) and 1000-1400 (Saturday). The results shown below:

| Lidl Arnold gfa 2461sqm Surveyed 21/22 Oct 2016 | Friday pm peak trip rate per 100 sqm gfa | |
|---|--|---------------|
| | In | Out |
| | 3.738 (4.238) | 3.576 (4.758) |
| | Sat peak trip rate per 100 sqm gfa | |
| | In | Out |
| | 4.795 (7.529) | 3.941 (8.101) |

The surveyed results are lower than the trip rates used to assess the Chellaston store, which are shown in brackets in the table above. The Arnold store is located on the A60 Mansfield Road, a major route into Nottingham City Centre. The access is adjacent a major 4 armed staggered signalised junction which is difficult to access. This means any traffic wishing to enter the Arnold store will have to cross 3/4 lanes of traffic. This is equally difficult for exiting right turners who also have to cross 3 or 4 lanes of traffic. Consequently, the low trip rates could be influenced by the difficult access to the site.

Comparison of trip rates at different stores is difficult because the actual level of traffic produced by a particular trip rate depends on the size of the store. Therefore below is a comparison of the actual number of trips generated by each of the surveyed stores when compared to the trip generation that has been assessed for the proposed Chellaston store.

| Name of the Store | Friday pm peak trips | |
|---|----------------------|-----|
| | In | Out |
| Aldi Coleman Street, Derby | 169 | 190 |
| Lidl Beeston, Nottingham | 119 | 120 |
| Proposed Lidl Swarkestone Road (2,312sqm GFA) | 98 | 110 |
| Lidl Nottingham Road, Derby | 99 | 94 |
| Lidl Arnold, Nottingham | 92 | 88 |
| | Tuesday pm trips | |
| Aldi Coleman Street, Derby | 129 | 162 |
| | Sat peak trips | |
| Proposed Lidl Swarkestone Road (2,312sqm GFA) | 174 | 187 |

It can be seen from the above table that arrivals range from 92 to 119 trips in the peak hour and departures 94 to 120 (with the exception of Coleman Street, which sits well outside the range). The traffic numbers that have been used to assess the above site lie within these ranges and are above those for the store at Arnold.

Foodstore Trip Distribution

During the PM peak the developer suggests that the split of trips departing at the access will be approximately **65** trips heading Northbound towards the High Street junction and **45** trips heading southbound towards the A50. The split of trips arriving at the access will be **82** trips traveling southbound from the High Street junction and **16** trips travelling northbound from the A50. It should be noted that during the Friday peak trading hours many of the trips visiting the above site are likely to be either diverted trips from people who are normally turning left into High Street or people who are passing the site.

Parking Provision and Servicing

The development seeks to provide 112 car parking spaces. This includes 6 disabled spaces and 6 parent and child spaces. DCC raised concerns with Lidl in their briefing note dated 5th October 2016 over whether the proposed level of parking provision is adequate to meet the demands for a store of this size. Particularly, when the level of parking proposed is comparable to the other smaller discount food stores in Derby (see surveyed sites below).

Currently the site provides unauthorised parking for Chellaston Academy sixth form students and the bowls club. Lidl have agreed to provide authorised parking to the bowls club by means of a valid permit system; however this could be revoked at any time as there is no guarantee in the future that Lidl won't revoke their agreement due to "operational reasons". Lidl have confirmed they will not be allowing parking for Chellaston Academy sixth form students.

| Name of Store | GFA | No Spaces | Space/100 sqm GFA |
|------------------------------|------------|------------------|--------------------------|
| Lidl Arnold Nottingham | 2461 | 114 | 21.6 |
| Lidl Chellaston | 2312 | 112 | 20.6 |
| Aldi Coleman Street Alvaston | 1859 | 91 | 20.4 |
| Lidl Beeston Nottingham | 1660 | 100 | 16.6 |
| Aldi Southmead Way | 1577 | 106 | 14.9 |
| Lidl Nottingham Road Derby | 1576 | 89 | 17.7 |

To seek to address the Council's concerns Lidl commissioned parking surveys and the parking surveys were carried out were on Friday 21st October 2016 and Saturday 22nd October 2016 on both days the surveys were undertaken from the hours of 8am to 9pm in line with the store opening hours. The food store in Arnold currently provides a total of 114 car parking spaces. The survey results demonstrated that parking occupancy levels did not exceed 50% and 40% respectively, indicating spare parking capacity at this store. Lidl consider the provision of 112 parking spaces can adequately accommodate the demands of the proposed store in Chellaston and is comparable with the surveyed Arnold food store. However the low demand for parking is directly related to the low trip rates at the store.

A tracking assessment was undertaken on the original layout as shown at Appendix F of the original TA. I am content the revised layout can be serviced adequately.

Concerns have been raised about the displacement of vehicle who currently park in the existing car parks at the pub and church. The private car parks at the church and the pub are just that, private. If the site owners choose to sell their sites including the car parks then the users who have benefited from the use lose that benefit, with the exception of any agreement with Lidl as part of their acquisition of the development site. Under the terms of the legal agreement required to undertake the highway improvements the Council has the ability to require Lidl to fund traffic regulation order to address issues directly related to the development.

- ***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;***

Sustainable Transport Modes

The site is well located in respect of sustainable modes of transport.

- ***safe and suitable access to the site can be achieved for all people; and***

The difficulty in providing access to the above site is the proximity of the traffic signals at the junction of the A514/High Street as traffic often queues back across the site frontage. One reason for this is that the lack of stacking space for vehicles turning right into High Street, consequently right turners can block drivers wishing to go ahead reducing overall capacity. This means that visitors to the store will have to access the store through queuing traffic at certain times.

The location of the access to the store was raised with Lidl at the pre-application stage. The Council suggested that the access to this site should be located as far from the High Street traffic signals as possible because of traffic blocking back from the traffic signals. Lidl's response was that they could not do this as the large format store they wished to place on the site could not fit on the site other than at the location proposed. The planning application was lodged with the access located approximately 65m from the High Street Traffic signals. However following further discussions with the applicant, Lidl revised the application relocating the access approximately 80m from the traffic signals, which is the location of the access being considered.

To seek to improve the space available for the right turning traffic into High Street, Lidl were asked to relocate the existing refuge further south to provide a long right turn lane. Lidl agreed to do this increasing the length of right turn lane to approx. 30m and would be able to store 5 vehicles. This longer right turn lane would significantly improve the operation of the signals throughout the day.

Another concern raised was the impact of drivers waiting to turn right into the store, particularly as has been pointed out above there will be times when the entrance to the store may be blocked by traffic queuing from the traffic signals. To address this concern Lidl were asked to undertake localised carriageway widening to form a 'ghost island' to provide a space for drivers wishing to turn right into the store to wait safely. The ghost island can hold approximately 5 cars. The ghost island will also assist drivers wishing to turn right out of the store as it provides them with a space to wait in the centre of the road thus allowing the right turn to be undertaken in two stages.

A third concern is the proximity of the proposed development to Chellaston School, which is immediately to the south of the site. Twice a day significant numbers of children walk past the site. 'Manual for Streets' provides some advice about footway widths, see below:

Para 6.3.22 *"there is no maximum width for footways. In lightly used streets (such as those with a purely residential function), the maximum unobstructed width for pedestrians should generally be 2m. Additional width should be considered between the footway and a heavily used carriageway, or adjacent to gathering places, such as schools and shops.*

Para 6.3.23 *"Footway widths can be varied between different streets to take account of pedestrian volumes and composition. **Streets where pedestrians walk in groups or near schools or shops, for example need wider footways.** In areas of high pedestrian flow, the quality of the walking experience can deteriorate unless sufficient width is provided. The quality of service goes down as pedestrian flow density increases. **Pedestrian congestion through insufficient capacity should***

be avoided. It is inconvenient and may encourage people to step into the carriageway.”

The Council asked Lidl to widen the footway across the store frontage to 3m to seek to accommodate the pedestrians at school peak times. The current plan of the access Drg No NW91354_006 currently shows the footway across the front of the site widened to 2.5m. However, Lidl have agreed that should the proposed store obtain planning permission they will work with the Council through the detailed design process to seek to provide a path as close to 3m as is possible (see condition below)

- ***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.***

To seek to address the concerns raised above, Lidl have agreed to fund local widening scheme as shown on Drg No. NW91354_006. The improvement consists of widening the through lanes to 3.65m and providing a 3m wide ghost island (waiting space) in the centre of the road. As mentioned above the scheme also increases the length the right turn lane into High Street. It also provides a wider footway across the store frontage to accommodate pedestrians. The bus stop will also be relocated albeit the exact location is to be determined through the detailed process.

Conclusion

In general terms the above proposal is well located being within the Chellaston district centre. This affords the opportunity for linked trips with other shops within the centre. It is also likely that the car park will be used by shoppers visiting the centre. There are however a number of issues to be considered:

- proximity of the site to the High Street traffic signal junction;
- proximity to Chellaston School;
- Uncertainty over the level of traffic generation.

The proximity of the access to the High Street traffic signals means that at certain times visitors will have to enter and leave the site through a queue of traffic blocking backing from the traffic signals. Albeit this manoeuvre currently happens at present.

The proximity to Chellaston School means twice a day significant number of school children will walk past the site.

To seek to address the above issues Lidl have agreed to fund a localised widening scheme to form a ghost island adjacent to the proposed access and also to lengthen the right turn lane at the traffic signals for driver wishing to turn right in to High Street. They are also proposing to widen the footway across the site frontage.

The above report shows that smaller discount foodstores have been surveyed and do attract significantly more traffic than is suggested by the applicant. It is not possible to know what the actual trip attraction will be at this store until the day it opens however if the store attracts the same level of trips that has been recorded at Coleman Street it is likely to result in some congestion in the vicinity of the store.

Should you be minded to approve the above proposal it is recommend any consent should be subject to the following conditions and notes:

Suggested Conditions:

1. No development shall take place on the application area unless or until details of the widening of the footway across the site frontage have been submitted to and approved in writing by the LPA. The footway shall be widened to 3m unless otherwise agreed by the LPA.
2. The proposed development shall not become operational unless or until:
 - a. the proposed vehicular access and ghost island, as shown on Drg No NW91354_006 have been constructed to the satisfaction of the LPA in accordance with details to be submitted and approved in writing;
 - b. The proposed car parking and servicing areas have been provided to the satisfaction of the LPA in accordance with details to be submitted and approved in writing;
 - c. secure cycle parking has been provided to the satisfaction of the LPA in accordance with details to be submitted and approved in writing;
3. A travel plan is in place the details of which have been submitted to and approved in writing by the LPA.
4. Any access made obsolete by the development shall be reinstated to the satisfaction of the LPA in accordance with details to be submitted and approved in writing.

Notes to Applicant

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 641876 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums may be payable in respect of all S278 works.

Natural Environment (Tree Officer):

Following on from the comments previously submitted on 22 January 2016, where overall it was recommended that consideration be given to revising the design for this site, in particular to accommodate the group of 6 hornbeams T26 to T31 and T10 (oak) and T11 (willow) which it was felt would positively contribute to the setting of the proposed development. (Identified T numbers relate to the submitted Tree Survey). These comments are now made in relation to the submitted amended plans. Previously, all trees to the rear of the Rose and Crown PH, adjoining the outdoor seating area, had been shown for removal and it had been recommended that consideration be given to retaining at least T10 (oak) and T11 (willow) within the proposed car parking area. The amended plans now show that the layout of the proposed car parking area has been revised to retain T9 (oak) and T10 (oak), which is welcomed. It is unfortunate that the willow has not been retained within the revised

car parking area, but I understand that the applicant did look at this issue in great detail. Also, having spoken to our arboricultural officers, I understand that the typical useful life expectancy of a willow is 50 to 70 years, while for an oak it is 200 to 300 years.

Therefore, in the circumstances, I'm happy to accept in relation to the proposed car parking area that the best trees with a useful life expectancy are being retained. In relation to the group of 6 protected hornbeams, identified as category B2 and being noteworthy boundary vegetation in the submitted Tree Survey, they are still unfortunately shown for removal. I reluctantly accept the loss of the majority of the unprotected mixed species trees/hedgerow of group G8 along the southern and western boundary of the site because of their limited public visual amenity, they being located towards the rear of the site. I would still recommend though that the applicant incorporate the 6 protected hornbeams, which can have a useful life expectancy of 150 to 200 years, within the proposed layout, unless it can be demonstrated that to do so would make the development of the site economically unviable

Environmental Services (Health – Pollution):

Land Contamination:

I note that a Phase II desktop study has been submitted with the application. We will review the report in detail in due course, however in the mean-time I would recommend that the following conditions are attached to any consent, should it be granted:

The submitted report shall be agreed by the local planning authority. In those cases where the detailed investigation report confirms that contamination exists, a remediation method statement will also be required for approval. Finally, all of the respective elements of the agreed remediation proposals will need to be suitably validated and a validation report shall be submitted to and approved by Derby City Council, prior to the development being occupied.

Noise

I note that the proposal will introduce a noise source into the area. The site is in a predominantly central urban area with relatively high existing levels of noise (especially from the busy Derby Road/High Street/ Swarkestone Road junction) and so I do not object to the application in principle, however I do have some concerns over the potential for noise to impact upon the residential amenity of dwellings along Station Road. I would recommend that the following conditions are attached to any planning consent, should it be granted: Store deliveries (although not stipulated in the planning application) shall be restricted to the hours of 7.30am to 7pm, Monday to Saturday and 10am to 4pm on Sundays and Bank Holidays. A noise assessment shall be completed in accordance with BS4142:2014 in order to assess the potential for noise nuisance to occur from delivery operations and a separate assessment for external mechanical plant on site. Any mitigation proposed as a result of the assessments shall be incorporated into the development before it is occupied.

Construction

Given the scale of the Development and its proximity to sensitive receptors e.g. residential dwellings I would 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. The statement will need to provide detailed proposals for the control of dust and other air emissions from the site, having regard to relevant guidance, for example guidance produced by the Greater London Authority (GLA, 2006), or the Institute of Air Quality Management (IAQM, 2012). Noise management procedures should have regard to the guidelines described in BS5228, or other agreed guidance/standards.

I note that the proposal will involve some demolition and building works. Given the proximity of residential properties, I advise 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. This is to prevent nuisance to neighbours. There should also be no bonfires on site at any time. I would strongly recommend the inclusion of a condition requiring the above, for submission and approval before construction activities commence. The Plan should be complied with fully throughout the construction/demolition phase of the development.

I refer to the *Phase I and Phase II Geoenvironmental Site Investigation* (Remada Ltd, December 2015) submitted in support of the above planning application. I can comment on the report as follows. Please note that the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the site investigation, other than in a land contamination context. All comments relate to human health risks. I would refer you to the Environment Agency for their comments on any conclusions made in the report surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects.

Phase I and II Report

1. The report is sufficiently detailed and follows relevant guidance.
2. The Phase I desk study considers relevant information and appears to highlight all potential contamination risks.
3. Although limited, the soil sampling strategy is considered acceptable given the scale of the site, the proposed end-use and the land-use history.
4. The report acknowledges that insufficient gas monitoring was undertaken as part of the assessment and goes on to conservatively recommend that gas protection measures are installed within the proposed new building. I would accept this recommendation.
5. Soil sampling results were compared with generic assessment criteria for a commercial setting, which resulted in no exceedances of the criteria. The site is therefore deemed suitable for its proposed use as a retail store and car park. I would accept the report's conclusions based on the information provided, namely that "*no further assessment is recommended for the purpose of risk of soil contamination to human health*".
7. Whilst there does not appear to be any need for further site assessment or remediation, it may be prudent to require the submission of a validation report confirming that the recommended gas protection measures (in accordance with CIRIA CS2) have been incorporated into the development, before it is occupied.

You will already be aware of comments on this application relating to noise, dated the 19th June 2016 and produced by Dave Fountain.

Whilst these comments did take into account both the submitted noise impact assessment (NoiseAssess Ltd, Ref. 11651.01.v1, dated February 2016) and the noise review produced by the Chellaston Residents Association (letter from John Bowden dated 25th April 2016), we have been asked to comment specifically on the latter of these two reports.

I therefore comment accordingly as follows.

Chellaston Residents Association Noise Review

Noise Measurements

With respect to background noise monitoring, the CRA Review asserts that relevant standards have not been followed due to higher than specified wind speeds on the day of monitoring (7.22m/s versus 5m/s) and measurements made at a height above ground of 2m versus the standard's recommended 1.2m to 1.5m.

I would accept the observations in terms of a deviation from relevant guidance; however it would be incredibly hard to suggest that the deviations would have any material impact upon the measurements.

Firstly, the additional 2m/s wind speed is a marginal increase and irrespective of this, a wind shield was used to minimise the impact of wind effects on the microphone.

With respect to the higher microphone position above ground, this would in fact serve to decrease background noise measurements due to a slight reduction of reflection effects from the ground, the opposite of what is suggested by the CRA and therefore more conservative, not less so.

Irrespective of the above points, the background noise measurements stated in the report are well within the range of what I would expect in a setting such as this. The location currently experiences relatively high levels of noise from a number of local noise sources including two public houses, a school and traffic using the busy Swarkestone Road.

Noise Assessment Criteria

The CRA Review then goes on to question the agreed criteria. Whilst I acknowledge the point around a 5dB limit, it is not true to suggest that this Department would base its overall decision on the BS4142 assessment results alone. The decision as to whether a particular application is, or is not, deemed acceptable on noise amenity grounds is a matter of professional judgement in all cases. In particular, the local context is a key consideration, not merely dB levels.

In any case, the results of the BS4142 assessment are well below the 5dB criteria set out in the report and so this a moot point.

In terms of the use of a 1 hour value for determining delivery noise, whilst I acknowledge the comments in the CRA Review, it was believed that a 15 minute average would not capture all of the sounds associated with a whole delivery event

which could therefore underestimate the true impact of delivery noise. In this case, a 1 hour value is considered to be more robust than a 15 minute value.

Sleep Disturbance

With respect to the CRA Review's comments on $L_{(A)max}$ values and sleep disturbance, I do not disagree with the comments made here. Notably however, the primary night-time noise proposed at the site is from plant which produces a relatively continuous steady noise, without high $L_{(A)max}$ peaks.

In terms of $L_{(A)max}$ values associated with deliveries at night, I agree that it would have been helpful to explore this in more detail, however I would still consider it unlikely that delivery noise would be significant at nearby residential dwellings given the distance between the delivery area and the nearest dwellings, the proposal to incorporate an acoustic barrier around the delivery area and the known relatively high ambient noise levels at this location (see point 5 above).

Construction Noise

A degree of noise from construction is an unavoidable result of any development and therefore it is this Department's view that noise from construction should be mitigated as far as possible, irrespective of the size and scale of the development and associated works.

In order to achieve this, this Department has already recommended the attachment of a condition to the consent, should it be granted, requiring the submission of a construction management plan designed to manage noise and to be formally agreed by the Environmental Protection Team. This is entirely consistent with the Council's approach for developments across the City.

Noise Penalties

There is a great deal of debate that can be had around the use of subjective penalties under BS4142:2014 and so in principle, I do acknowledge the suggestion that using the objective methods proposed within BS4142 could have aided discussion.

I would note however, that the results of the BS4142 assessment highlight rating values well below measured background noise levels and so even with the use of higher penalties, this is unlikely to have affected the overall conclusions. I do not believe that it is likely that application of the maximum penalties for all categories would have resulted from completion of the objective method.

Traffic Noise

I acknowledge the absence of any traffic noise assessment. Given the already high traffic flows along Swarkestone Road, it is incredibly unlikely that a single supermarket could have any material impact upon road noise in the locality.

As a guide, doubling of traffic flows along a road would give rise to a 3dB increase which is regarded as only just noticeable. The additional traffic arising as a result of the development would clearly be considerably less than this. Requesting a full traffic assessment would be unreasonable in the circumstances.

Overall Conclusions

Whilst I would accept many of the comments made in the CRA Review regarding deviations from guidance/standards, I would reiterate that addressing those highlighted issues would be unlikely to have any material impact upon the final conclusions.

Notably, the results of the BS4142 assessment reveal rating levels well below the measured background noise. This is an unsurprising result given the nature of the location, which already suffers relatively high levels of noise from a number of local sources.

In addition, the development involves the proposed replacement of a public house. In my experience, this Department receives considerably more complaints about noise from pubs than it does regarding supermarkets.

When considering a planning application, the fundamental question around noise impacts is based upon consideration of the proposed development compared with the current land use. Given the local context, it would be hard to argue that the development would create a substantially greater impact upon local amenity from noise than the existing land use as a public house. The evidence appears to support this view.

Derbyshire County Council Archaeologist:

The proposal site is outside the historic core of Chellaston and appears to have first been developed during the mid-18th century with the development of the Rose and Crown pub. This building has been much altered subsequently and the applicant's heritage appraisal suggests that much of the existing fabric represents 20th century rebuilding, with however some earlier fabric surviving at the northern end. Because of the extent of this alteration it is difficult to make the case for the building to be considered a 'heritage asset'; NPPF chapter 12, with anything beyond the most minimal of local significance. The site as a whole was not substantially developed beyond the Rose and Crown pub until the 20th century, thus remaining outside the medieval and post-medieval village. Historic map evidence suggests an orchard use, possibly associated with the Rose and Crown. There is consequently little potential for significant below-ground archaeological remains on the site. In the light of the above observation I advise that the proposals will have minimal archaeological impact, and recommend that the policies at NPPF chapter 12 do not require the applicant to undertake any archaeological work

Environment Agency:

The previous use is of low risk and there are no environmentally sensitive receptors in this area. We have no detailed comments to make.

Derbyshire Wildlife Trust:

The Trust is not aware of any nature conservation interest on or adjacent to the site. A great crested newt record c.150m west of the site and bat roost record c.300m east of the site, are the closest protected species records within 500m of the site. A phase 1 survey was undertaken by SESS on 29th September 2015, which identified the site

to comprise hard standing, buildings, hedgerow, scrub, amenity grassland, tall ruderal vegetation (introduced and native) and scattered trees. The assessment has concluded the habitats on site are all of low nature conservation value. The survey also undertook a 'desk' based assessment which included NBN. However, environmental consultants should be aware that that ecology reports submitted as part of a planning application should include a data search from Derbyshire Wildlife Trust, and not from the NBN Gateway (with the exception of planning applications where it has been agreed with the planning authority that no data search is required because there will be no impacts on biodiversity). This approach has been agreed with the NBN and Association of Local Environmental Records Centres (ALERC) and been highlighted in an article in the Institute of Ecology & Environmental Management (IEEM) 'In Practice' magazine (IEEM In Practice December 2011 'Accessing Biodiversity Data for Desk Studies' pgs 23-26).

The ecology report states "*as the risk to bats is assessed as low, Phase 2 bats surveys for the buildings are not considered justified*". We would disagree with this statement and following the Bat Conservation Trust (BCT) Guidelines (2012 when the survey was undertaken) and the Bat Mitigation Guidelines (2004) a building with low potential requires a nocturnal survey. Nocturnal survey will be required before the application can be determined.

Following the recommended survey work, a mitigation strategy should be prepared that demonstrates how the loss of any bat roosts or other impacts on bats will be mitigated, how potential lighting impacts will be minimised and what habitat retention/creation proposals will be implemented. It is critical that the survey work is undertaken prior to submission of the application so that any mitigation requirements for bats are fully taken into account as part of the planning process.

The proposed buildings have the potential to impact on roosting bats present in the low potential buildings and nesting birds. In addition, the surrounding habitats offered potential for nesting birds. In addition, the proposals would result in a net loss of habitats on site, which has not been discussed within the ecology report. Although the habitats are assessed as low value, these habitats are within an urban context where many areas of habitats are isolated or lost due development. Following the NPPF any development should have a net gain of biodiversity. The development should integrate biodiversity into the built environment. The inclusion of green walls and roofs would be a welcomed enhancement and the opportunity to replace some habitats that are proposed to be lost. It is unclear from the ecology report if hedgerow qualifies as a UK BAP habitat; the report mentions 'short length' but to qualify as a UK BAP habitat the hedgerow needs to be 20m in length.

At present a number of gaps exist in our understanding of the potential impacts on species and habitats on site in relation to the proposed development. It is considered that the application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development. In the absence of adequate information on European Protected Species (i.e. great crested newts & bats), the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations. Paragraph 99 of Circular 06/2005 states "*it is essential*

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

At present, it is considered the submitted information is lacking detailed information on the following:-

The report has not considered the impact on the net loss of habitats on site, nor do the proposed plans provide a net gain to biodiversity on site. Furthermore no species lists are provided (except for tree species). Determining the impact of losing these habitats to development is therefore not possible with confidence at this time.

Bats

The building were assessed as low, however the ecology report has not followed the BCT guidelines, which state buildings with low potential require further survey. Lack of surveys for these species makes determining impacts difficult. Surveys of the building should be undertaken prior to determination.

Great crested newts have previously been assessed as potentially present 150m west of the site in 2007. The presence/absence of suitable terrestrial habitat on site needs to be clarified. If present further assessment for their potential to support great crested newt will be needed. We would therefore expect to see further survey work and assessment to address the above concerns in full prior to the determination of the application. The findings of the additional work could have a bearing on the type, scale and layout of any development within this site as well as the range of measures that may be required to address biodiversity concerns. If the Council were minded to grant planning permission at this stage please contact the Trust for further advice regarding suitable planning conditions.

To confirm, GCN are present 150m from the site boundary. It is a historic pond with known GCN present. If a desk study was undertaken, as detailed within the Guidelines for Preliminary Ecological Appraisal prepared by CIEEM (http://www.cieem.net/data/files/Resource_Library/Technical_Guidance_Series/GPE_A/GPEA_April_2013.pdf) our data would have informed of the record and aided in the ecology report. Therefore, with the lack of information submitted it is unclear if the habitats on site were suitable for GCN or if they had been considered. Using the GCN Rapid Risk Assessment prepared by Natural England the site falls within the Amber Category, as detailed below (the site is 0.6ha)

As SESS states in the email “*the application site, given its location and nature the risk of GCN using the site as a terrestrial habitat is assessed as ‘negligible’ even if the above referenced record turns out to be valid*”. It would be welcomed, for the phase 1 report to be updated to fully reflect the close proximity of the site to the record as well as clearly defining the negligible habitats for GCN on site, if that is the case.

Following the relevant bat conservation guidelines, buildings have ‘negligible’, ‘low’, ‘moderate’ or ‘high’ potential; depending on the classification of the buildings

depends on the number of surveys. If the ecologist is confident that the building offers 'negligible' potential for roosting bats and with regards to language within the report (following the guidelines) no further surveys would be required. If the ecologist is not 100% confident in the terminology, then a further survey would rule out the likelihood of bats being present. A pre-commencement dawn survey will need to be undertaken in April/May 2017) and if no bats are seen to return then the building can be demolished on that day if no bats are present

The onsite hedgerow does not qualify as a UK BAP Habitat as it is approximately 14m long only. Agreed, however, it would still result in a net loss of biodiversity, and it would be preferable for the hedgerow to be retained. If this is not possible, replacement hedgerow on a like for like basis as a minimum would be required. The NPPF encourages biodiversity enhancements through the planning process sites such as this can easily achieve enhancements through planting native and local species in soft landscaping, green roofs/walls and the inclusion of a range of artificial boxes for bugs, bats and/or birds. Furthermore, developments should seek to achieve biodiversity net gain, to achieve this balance developments can avoid, minimise or restore habitats.

It is important for members to note that, in light of these concerns expressed by DWT and the request to carry out further survey work, the applicant has indicated that their ecologist has been instructed to undertake additional bat surveys on 2nd and 9th of May (scheduled as such given the nature of the survey work) and they intend to report the findings to the Council on 10th May. The applicant is also seeking to engage with DWT directly to seek their agreement to GCN safeguards. Therefore, it is anticipated that officers should be able to positively orally confirm the overall ecology position to members at the meeting.

Police Liaison Officer:

I would advise though that approval is subject to one minor amendment to boundary treatment, and a couple of conditions. At present there is a section of 2m paladin fencing with MOE gate, which secures access to the rear of the store from the east (Swarkestone Road). The positioning of this gate leaves a short section at the back of the store unsecured, which would be a potential site of nuisance, also of risk to lone workers using this access because of the restricted site lines. Advice is to relocate this section of fencing/gating at the south east corner of the building. The main glazed elevations, which allow interconnecting views, are mostly to the eastern side of the store, with only a short section of the northern elevation curtain walled. Consequently the majority of customer parking has no supervision from inside of the store. To compensate for this we would advise that approval should be conditional upon a monitored CCTV system for the store exterior, all car parking areas and cycle racks, also upon an agreed external lighting scheme.

Land Drainage:

Overall, the drainage scheme is positive in that there has been attenuation storage provided and a limited discharge of surface water from the site of 5l/s. At present the majority of the site is permeable paved so the provision of 190m³ of surface water

storage will likely provide betterment on the existing situation in terms of runoff rate/volume. I would prefer to see some drainage calculations to confirm this.

However, to be able to fully support the scheme, there are a few points that I would like to see addressed by the applicant/engineer:

1. The attenuation system appears to be designed to provide storage up to and including the 1 in 30 year storm. This is ok, but design guidance states that the system should be able to manage the 1 in 100 year rainfall event on site. This need not necessarily be within the system and some flooding would be permitted in this event, but the applicant would need to demonstrate that the water is kept on site and does not endanger people or property. A good example might be to keep the exceedance flows within an area of the car park below kerb level.
2. Although the system will likely provide betterment compared to the existing development in terms of surface water rates and volume, the system cannot be deemed a SuDS scheme as there would be no improvements to water quality, especially given that the site drains to a surface water sewer. The petrol interceptor cannot be regarded as an effective SuDS treatment stage. Ideally the site can be amended to make better use of SuDS principles. For example, the use of permeable paving (underdrained if necessary, for example if the subsurface has relatively low permeability) within the car parking spaces would be a relatively simple option. I have heard reports that other Lidl stores have used this method, although I cannot be certain of this. Can the applicant address this and make best endeavours to provide a SuDS scheme?

6. Relevant Policies:

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

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|------|--|
| CP2 | Responding to Climate Change |
| CP3 | Placemaking Principles |
| CP4 | Character and Context |
| CP12 | Centres |
| CP16 | Green Infrastructure |
| CP19 | Biodiversity |
| CP20 | Historic Environment |
| CP21 | Community Facilities |
| CP23 | Delivering a Sustainable Highway Network |

Saved CDLPR Policies

| | |
|-----|--|
| GD5 | Amenity |
| E13 | Contaminated Land |
| E17 | Landscaping Schemes |
| E19 | Listed Buildings and Buildings of Local Importance |
| E24 | Community Safety |
| T10 | Access for Disabled People |

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

<http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR%202017.pdf>

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

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 issues
- Access, parking and highway issues
- Design, layout and residential amenity
- Heritage issues
- Trees and wildlife habitats

Policy issues

The site of the proposal comprises approximately 0.71 ha of land fronting Swarkestone Road. The site is currently occupied by the Rose and Crown PH (and associated garden and buildings) and the St. Ralph Sherwin Centre (church) and the associated parking area. At the time of writing, both the pub and church are in active use. The majority of the site is allocated as part of Chellaston District Centre in the Derby City Local Plan – Part 1 and is therefore considered to be 'in-centre'.

The proposal seeks planning permission for the construction of a new retail unit (A1) covering 2,291sqm (gross) and is proposed to be occupied by the deep discount

convenience retailer, Lidl. The sales area of the store has been identified as 1,345sqm. Community facilities such as the St. Ralph Sherwin Centre are protected by Policy CP21 of the DCLP. Policy CP21 relates to community facilities and requires proposals to demonstrate lack of need, alternative provision or restructured provision. Importantly, para 5.21.1 of the supporting text acknowledges that 'public houses' can be considered as community facilities.

I am aware that the pub has been designated as an Asset of Community Value (ACV) by the Council. I believe this gives the community an opportunity to bid for the asset before it is disposed of by the current owners, but I also understand that it removes PD rights that would normally enable an A4 use to change to A1, A2 or A3. Whilst not directly relevant to consideration against the provisions of CP21, the ACV status does highlight the importance of the asset to the community and the need to robustly assess the proposal against CP21.

Following initial appraisal, the applicant has submitted additional information to explain about the loss of the two community facilities. In terms of the pub, the applicant has argued that there are a range of community facilities available within easy walking distance of the proposal site, including other public houses and facilities providing a similar function. They have also argued that the viability of the pub is decreasing, although no evidence of this has been provided. I agree with the applicant on this point and am satisfied that the 'function' provided by the pub can be adequately accommodated elsewhere in the locality. Whilst alternative locations may not be the preferred choice of patrons of the Rose and Crown, the overriding function is the main consideration from a planning perspective. Therefore it is fair to conclude that the 'need' for the facility could be replaced by alternative provision in the local area, meeting the requirements of CP21.

In terms of the St. Ralph Sherwin Centre, the applicant has submitted a letter from the agents representing the Nottingham Roman Catholic Diocese, who currently operate from the centre. They have confirmed that the land sale to Lidl will enable the creation of a new church in the Chellaston area. Whilst not able to provide details on the precise location, they note that terms have been agreed on the alternative site. On this basis, the provisions of CP21 are again satisfied.

On the basis that the proposed store is considered to be in-centre, the NPPF and local planning policies do not require compliance with the sequential and impact tests. However, Policy CP12 of the DCLP does seek to ensure that retail (A1) proposals located within centres are compatible with the general scale, role, character and function of the centre. In-centre locations are generally considered to be appropriate locations for retail development (in-principle), due to the potential for linked trips and accessibility of such locations by non-car borne travel. District Centres should serve relatively large residential catchments and generally do contain supermarkets of this scale, or in the case of Mickleover and Sinfen, even larger. Therefore, I am satisfied that the proposal is in-keeping with the role and function of the District Centre location.

Like many of Derby's suburbs, Chellaston is a former village that has gradually been enveloped into the built extent of the City. Importantly, Chellaston is a growing suburb both in terms of population growth, with land allocated at Fellowlands Way and

Chellaston Fields / Holmleigh Way for new housing. Significant growth is also planned at Boulton Moor, both within the city and in South Derbyshire, which is well related to the Chellaston area via Snelsmoor Lane and High Street. The District Centre itself is centred around the historic centre of the village, split between two areas on Swarkestone Road and High Street. Whilst the centre of the former village has a number of statutory and locally listed buildings which make a positive contribution to the townscape, it is not a conservation area. Chellaston District Centre is one of the smallest District Centres within the hierarchy and has a more limited retail offer compared to other centres. The appropriateness of the scale of the proposal therefore needs to be considered in this context.

In considering the issue of 'scale' it is necessary to deconstruct it into the component factors that can indicate whether the scale of a proposal is in-keeping with the context. These include the physical scale of the proposed building in terms of overall design and impacts on amenity and the highways implications related to the scale of floorspace proposed and the associated attractiveness as a retail destination. It is fair to say that this proposal would be significantly larger than any of the existing facilities currently within the centre, in terms of physical scale and its attractiveness as a retail destination. It will clearly become the 'anchor' store within the centre.

Operators such as Lidl and Aldi generally operate in a very efficient manner, with the majority of floorspace being utilised for sales. However, in this case, close to 1,000sqm will be used for non-sales activities, which accounts for the larger gross floor area. The impact of the large gross floor area can in part be mitigated by the imposition of an appropriate condition limiting the net sales area of the store to 1,345sqm. However, this will only mitigate impacts in terms of potential trip generation and associated traffic impacts. It would not mitigate the visual impacts of the significant built form required to accommodate gross floorspace.

It is recognised that this area of the city is not particularly well served by existing supermarkets and that significant amount of expenditure generated in this area, 'leaks' into other areas of the city. It is generally more sustainable to try and ensure that expenditure is retained within the area it is generated, to avoid unsustainable travel patterns and associated congestion. Concerns about the overall scale of the store needs to be weighed against the clear benefits in terms of expenditure retention in the locality and the associated sustainability benefits of the proposal. The proposed store will clearly boost the performance and overall vitality and viability of the centre as a whole, increasing footfall and the free parking will provide opportunities for people to visit other stores and facilities within the centre. It will provide a new focus and anchor to the centre providing a scale of retail provision not currently provided in the immediate locality. It is also an appropriate location to serve some of the new residential development proposed in this area of the city.

The principle of a new shop, meeting local needs and located in a District Centre is strongly supported by both national and local planning policies. It will create a number of new jobs (25-40) and will help to serve an area of the city that is not particularly well served in terms of convenience shopping provision. The proposal has the potential to arrest some leakage of expenditure and provide a more sustainable option, in terms of travel for a number of residents.

The applicant has demonstrated that the proposal is capable of meeting the requirements of CP21 relating to the protection of community facilities. Ultimately, there are other public houses in the locality that can provide the same function as the one being lost. Therefore, the function will be replaced elsewhere. I am also satisfied that the land receipts provided by Lidl will facilitate the relocation of the St. Ralph Sherwin Centre.

The main policy issues relate to more detailed aspects of the proposal. Chellaston District Centre is one of the smallest District Centres in the hierarchy of the city and is split across two locations in the heart of the former village centre. It is therefore important that the scale of the proposed store is in-keeping not only in terms of the physical design of the building, but also the associated traffic implications. Concerns about traffic implications of the gross floorspace may at least in part be mitigated by an appropriately worded condition limiting the net sales floor area to 1,345sqm. No further conditions relating to range of goods or sub-division are required as the proposed store is located within a centre. There are no policy objections to the principle of the development.

Access, parking and highway issues

This is a very important issue that has been looked at very carefully throughout the life of this application. My colleagues have assessed the impact of the proposal in line with industry standard methodologies and have also assessed the operation of other similar retail shops within Derby and Nottingham. I would refer Members back to the detailed comments of my colleagues on pages 6 – 14 of this report. The issue of traffic generation and the safe operation of the proposed development in highways terms is a very important issue locally, particularly given the relationship of the proposed access to the High Street junction and the Chellaston Academy.

Improvements to the siting of the proposed vehicle access have been secured during the life of the application and this is accompanied by other footway and carriageway improvements within the highway. These include the provision of a ghost island to serve site access / egress, the provision of an elongated right turn lane serving the High Street junction and the resultant improvements for through traffic that these features will provide at all times of the day. Footway improvements to specifically address the flow / volume of pedestrians across the site access to accommodate the movements of students and visitors to the Chellaston Academy and beyond have also been negotiated.

My colleagues have seriously considered the impact of this proposal on the local highway network. Following a detailed consultation exercise the concluding comments of colleagues are repeated below:

In general terms the above proposal is well located being within the Chellaston district centre. This affords the opportunity for linked trips with other shops within the centre. It is also likely that the car park will be used by shoppers visiting the centre. There are however a number of issues to be considered:

- *proximity of the site to the High Street traffic signal junction;*
- *proximity to Chellaston School;*
- *Uncertainty over the level of traffic generation.*

The proximity of the access to the High Street traffic signals means that at certain times visitors will have to enter and leave the site through a queue of traffic blocking backing from the traffic signals. Albeit this manoeuvre currently happens at present.

The proximity to Chellaston School means twice a day significant number of school children will walk past the site.

To seek to address the above issues Lidl have agreed to fund a localised widening scheme to form a ghost island adjacent to the proposed access and also to lengthen the right turn lane at the traffic signals for driver wishing to turn right in to High Street. They are also proposing to widen the footway across the site frontage.

The above report shows that smaller discount foodstores have been surveyed and do attract significantly more traffic than is suggested by the applicant. It is not possible to know what the actual trip attraction will be at this store until the day it opens however if the store attracts the same level of trips that has been recorded at Coleman Street it is likely to result in some congestion in the vicinity of the store.

Clearly, issues such as actual trip generation to the proposed store are still open to debate. However, following lengthy analysis, consideration of the sustainable 'in-centre' location of the proposal and associated negotiations to secure improvements to the highways component, **there are no over-riding objections on highways ground** to the proposed development, in the context of local plan policy and central government guidance,

Design, layout and residential amenity

In considering the design of the proposal it is necessary to have regard to and give appropriate weight to the provisions of CP3 (placemaking principles) and CP4 (character and context) in the adopted Core Strategy.

The building would be single storey with a mezzanine floor with a mono-pitched roofed structure. The elevations would be predominantly finished in contemporary grey cladding and a large glazed shop front and a glazed angular corner entrance which would wrap around the north east corner of the building, which adds a legible entrance feature. Certainly, the entrance to the store has been placed on the corner of the building with a quality glazed frontage addressing Swarkestone Road. This will be beneficial in terms of creating a visual link between activity at the store and the rest of the centre. The openness of the site provides for satisfactory natural surveillance and permeability of the site would be encouraged.

Certainly, in terms of scale and footprint, the proposed store would be substantial when compared to the scale and form of other buildings in the District Centre. Such a difference in scale and footprint is not in itself unacceptable; rather it is the effect on the character and appearance upon the locality that requires justification. The building would have a footprint of approximately 75metres by approximately 30metres, excluding the end loading bay. The roof design would be a shallow mono-pitch with a height of 7.5m sloping down to 5.3m toward the rear of the site. The proposed development could be considered compatible within the confines of the site because the site is situated between domestic scale buildings of varying designs, a large school, near a parade of shops and opposite a recreational space.

Moreover, while the main differences of the appearance of the building and facing materials – contemporary cladding and rendered appearance – the design of the building is functional and characteristic of modern food stores. Although the development would be fairly dominated by the on-site car parking, the provision of good quality surfacing, boundary treatment and planting would enhance the site and soften the appearance of the car parking area. A number of surface treatments are proposed to demarcate different areas, together with structured landscaping on borders and tree and shrub planting within the car park boundaries. It is considered that the building would integrate into the District Centre and wider street scene and is considered to accord with policies GD4, CP3 and CP4.

The retail building itself would be located some distance from the nearest residential properties along Station Road (nearest dwelling at No.41 Station Road approximately 45m building to building distance). I note part of the northern end of the proposed car park layout would back onto the rear curtilages of No.15 and 17 Station Road, as the public house car park currently does. Appropriate boundary treatment of 2m high boundary fencing and a brick wall would mitigate any vehicle light intrusion to these adjacent residential curtilages and some screening would remain from trees and vegetation. Given that the north west corner of the site is already in use as a car park, the proposed re-configured car park would not, in my opinion, be unduly harmful in amenity terms.

The nearest part of the proposed retail building to the nearest residential dwelling, No.41 Station Road, would be approximately 45m. Some of the external plant equipment would be located alongside the west elevation of the building. Because the building has moved 2m further eastward, more of the existing trees and vegetation could be retained, to assist with greater visual screening. What is more, acoustic fencing could be incorporated along this far western boundary. The neighbouring Chellaston Academy would also be affected in terms of the physical presence of the proposed building adjacent to the school site. However, the hardstand games pitches beyond the western boundary and two storey school building beyond the southern would not be unacceptably harmed in amenity terms.

In view of this, it is considered that there would be no detrimental impact to residents or the school through, loss of light, massing, or loss of privacy. Whilst the proposal would introduce a commercial noise source into the area, given the nature of the District Centre and the proximity to the A514, it is considered that the development would not be unduly detrimental. The Environmental Health Officer (EHO) recommends that delivery times should be restricted to between 7.00hours and 21.00hours, to avoid antisocial hours. Subject to the conditions above, the proposal is deemed acceptable in terms of its impact upon residential and general environmental amenities. The proposal would reasonably comply with the requirements of saved policy GD5 in this respect.

Heritage issues

The proposed development includes the demolition of the Rose and Crown PH. The Rose and Crown PH is not on either the statutory or local list and does not lie within a conservation area. It is a brick-built pub, with some built elements dating from the late-18th to early-19th century, and possibly earlier. These have been largely

obscured by 20th century extensions, although in an appropriate form retaining the basic character of the historic streetscene leading north along Swarkestone Road and forming a group with the Corner Pin public house.

The application is accompanied by a detailed Heritage Appraisal, which analyses the survival of historic features internally and externally. The buildings have been substantially altered both internally and externally in the 20th century, and it is agreed that the building is not of sufficient historic interest to merit inclusion on the local list.

The site is adjacent to the Grade II listed No.4 Swarkestone Road, a small brick built cottage with exposed cruck frame visible in the south gable. Although the frame is thought to date from the 1600's it is a remnant of a now demolished building and embedded within the wall of a latter cottage, probably of 18th Century construction. That cottage now forms part of the Corner Pin PH, with the timber frame facing the proposal site and immediately adjacent to Swarkestone Road. Development on the application site will therefore have some impact on the setting of the listed building.

Following on from reports at previous meetings where heritage considerations have been addressed, members will be aware that the authority must have regard to the guidance on heritage assets as set out in the National Planning Policy Framework, paragraphs 131 – 134. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 132 advises that:

- Great weight should be given to the asset's conservation;
- The more important the asset the greater weight should be given;
- The significance of an asset can be harmed through alteration, destruction or development within its setting and harm or loss requires clear and convincing justification.

As part of the application process colleagues in the Built Environment Team have concluded...

The demolition of the Rose and Crown and replacement with modern retail unit, car park and fencing, would be harmful to the setting of the listed building at No.4 Swarkestone Road. Harm to the setting of a listed building is contrary to Local Plan Review policy E19, NPPF paras 132 and 134, and S. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

If approved, it is considered that some mitigation should be sought by condition:

1. *Amendment of the north boundary to a low brick boundary wall (approx.1m), with coping, in line with surviving elements of the west boundary to the Corner Pins. To create some sense of separation between the two curtilages as well as reinstating historic enclosure.*
2. *Archaeological recording of the Rose and Crown.*

'Setting' is defined in the NPPF as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral'.

'The setting is not designated. Every heritage asset, whether designated or not has a setting. Its importance and therefore the degree of protection it is afforded in planning decisions, depends entirely on the contribution it makes to the significance of the heritage asset or its appreciation'.

Although the Rose and Crown PH and the Corner Pin PH have formed part of the street-scene for many years the issue at hand is whether the loss of the Rose and Crown PH would be harmful to the setting of the listed building.

I agree with colleagues in our Built Environment Team that the proposed demolition of the Rose and Crown PH would have an impact on the setting of the listed building.

However, I consider that this *impact* would not equate to *harm* which would engage the policy tests in the NPPF, given that the Rose and Crown PH is not statutory or locally listed, not within a conservation area nor is it situated within the historic core of Chellaston. The Rose and Crown PH sits approximately 20m from the nearest part of the listed building and its demolition would open up views of the listed building from the south and, therefore, the visual prominence and appreciation of the listed building from this aspect would be increased. The proposed new building would be of a greater distance from the listed building (some 90m away) that would enable wider views of the cruck frame of the listed building across the proposed car park. This could be viewed as a positive impact.

I appreciate that the view of the listed building from the south is only part of a consideration of the setting of the building. In terms of physical relationship and layout my colleague in the Built Environment Team states...*the listed building currently has a sense of enclosure created by the historical north wall of the Rose and Crown and some boundary trees. Replacement with 2m Paladin fencing would present quite an industrial appearance unsuitable to the setting and historic vernacular character of the listed building, and would not be adequately screened by the proposed shrub planting and existing sparse group of trees within the Corner Pins car park.*

I agree that any proposed replacement boundary treatment on the northern boundary should be designed to provide the required sense of enclosure and would suggest that the mitigation measures outlined by my colleague should be sought.

The proposal forms part of the on-going evolution of the Chellaston District Centre and whilst the wider setting of the listed building would be changed by the proposal I do not consider this to be harmful. I consider that the recommendations about improvements to the northern boundary are valid and this detail can be reasonably addressed by condition to secure compliance with policy.

Trees and wildlife habitats

There are a number of the trees and groups of trees within the red line of the application site that are protected by a Tree Preservation Order. Ultimately, Policy CP16 seeks to ensure that any individual or groups of trees that contribute to the amenity of an area are retained and appropriate efforts have been made to retain existing trees where possible and that where loss is proposed, appropriate re-provision is implemented.

In order to contain the extent of building and car parking area, some protected trees are shown for removal. Yet, the extent of tree removal is less under the revised plan drawings.

I note the amended plans now show that the layout of the proposed car parking area has been revised to retain T9 and T10 (Oaks). However, it has not been possible to retain the Willow tree (T11) which is visually prominent, attractive and contributes to the visual amenity of the immediate surroundings. Even though it is located toward the centre of the existing car park, this tree is nevertheless visible from the public realm. Clearly a reasonable judgement is required, as to where to apportion greater weight to either the retention of the protected Willow tree or the wider benefits arising from the creation of a suitably designed layout of a retail store and extent of parking provision. Whilst this element is contrary to Policy CP16 it is considered that the Willow tree ought to be viewed as a *relative* constraint rather than as an *absolute* constraint to the redevelopment of this site and its removal, while noticeable and regrettable, can be justified in this case, in order to facilitate a good number of parking spaces and a logical / satisfactory car park layout.

Elsewhere in the site, along the southern boundary a linear group of 6 Hornbeam trees exist which are protected under a TPO. They are shown for removal to facilitate the retail building in the location proposed. Currently, the site is generally open and so the trees are prominent from Swarkestone Road, as viewed either front on or from a north to south direction. Immediately behind this group of trees are a number of mature trees within the grounds of Chellaston Academy School. Because of the number, maturity and density of trees, they would maintain the mature green verdant setting along this part of Swarkestone Road. If the building were to be positioned in front of the Hornbeams the trees would be obscured by the building and adjacent trees on the school grounds – this does not seem a sensible approach. Their retention is not viable with the development layout as amended and subject to replacement planting the loss of these specific trees could be justified in this instance.

Moreover, a large swathe of trees and vegetation along the southern and western boundary are shown for removal, which is unprotected mixed species (Group G8). It is of limited public amenity value being located toward the rear of the site. The overall loss and retention of the trees is acceptable, given the proposed layout of the site and footprint and position of proposed building.

In terms of wildlife and protected species issues members are reminded that the applicant has responded to comments from DWT and further survey work is being completed, at the time of writing this report, with regard to the required bat assessments. The applicant has also been encouraged to continue direct discussions with DWT to ensure that all ecological matters are addressed prior to the determination of the application. This is necessary to accord with the tests laid down for protected species. It is anticipated that all issues will be properly addressed and the necessary conclusions and mitigation measures will be supplied to members either before, or at, the meeting.

Other matters:

Section 106

The application attracts a financial contribution through a Section 106 Agreement. The applicant has agreed the draft Heads of Terms, which include: A highways contribution towards the improvements and maintenance of traffic signals at the High Street/ Station Road/ Swarkestone Road junction and towards the provision of, or improvements to, public transport, cycling and pedestrian facilities on the A514; a public art contribution towards the provision of a public art scheme in the vicinity of the application site to attract pedestrians and cyclists towards Chellaston District Centre. Local employment (Local Labour Agreement) opportunities shall be secured through a suitably worded condition.

Flood risk

The site is located within flood risk zone 1, which is deemed as having a low probability of river flooding (a less than 1 in 1,000 annual probability). The Land Drainage Officer's comments have been noted, however, it is considered that the provision of surface water suitable drainage measures, including sustainable drainage features, such as permeable surfacing can be controlled through a suitably worded condition. This will ensure the development complies with saved policy CP2.

Overall conclusion

This application has been very carefully assessed and the material planning considerations have been rehearsed and considered in line with adopted local plan policy, saved local plan policy and the over-arching guidance in the NPPF. Although some issues, such as ecological factors, are still being assessed at the time of writing the report the application has been with the City Council for a considerable period of time and is at a very advanced stage. On balance, it is considered that, subject to the satisfactory conclusion of all outstanding issues and conditions, the proposed development is acceptable in this location.

8. Recommended decision and summary of reasons:

- A. To authorise** the 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.
- B. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to **grant permission** upon conclusion of the above Section 106 Agreement.

Summary of reasons:

It is considered that the proposal would result in a satisfactory form of development which would enhance the character of the street scene and, subject to conditions, would preserve the amenity of neighbouring residents. In terms of retail policy it is considered that there are no grounds to resist the application on the basis of impact. The development is also considered to be acceptable in terms of flood risk, trees and heritage matters. The proposal would be suitably served by public transport and, as amended during the life of the application, would provide appropriate means of

access / egress to and from the site. Parking levels are considered acceptable and the development would not result in severe highways impact / safety issues.

Conditions:

1. Condition relating to approved plans
2. Condition relating to a three year time limit for implementation
3. Condition controlling precise details of external materials
4. Condition requiring submission of a landscaping scheme
5. Standard timescale of the implementation of planting and on-going maintenance
6. Condition requiring the submission of hard surfacing materials
7. Condition requiring the submission of boundary treatment details
8. Condition requiring the submission of a surface water drainage scheme
9. Condition controlling the location of and external plant/machinery
10. Condition requiring a detailed scheme for external lighting
11. Condition controlling store opening hours
12. Condition controlling the hours for deliveries
13. Condition controlling security measures (CCTV)
14. Condition restricting vegetation clearing during bird breeding season
15. Phase II assessment – remediation strategy and final validation report.
16. Condition requiring the parking/servicing areas to be implemented
17. Condition requiring the implementation of cycle parking/cycle parking available for customers
18. Condition requiring an operational travel plan based on the framework travel plan submitted in support of the application
19. Condition limiting the extent of net sales floor area to 1,345sqm of the net sales area
20. Condition restricting subdivision of the unit
21. Construction management condition
22. Condition requiring details and implementation of acoustic fencing
23. Condition requiring details of a Local Labour Agreement
24. Condition requiring further nocturnal bat survey and GCN mitigation measures information

Reasons:

1. To conform to Section 51 of the Planning and Compulsory Purchase Act 2004
2. Time Limit reason

3. To provide a satisfactory external appearance and in the interests of visual Amenity.
4. In the interests of visual amenity.
5. In the interests of visual amenity
6. To ensure satisfactory drainage.
7. To provide a satisfactory external appearance and in the interests of visual Amenity.
8. To ensure satisfactory drainage.
9. To protect the amenity of nearby residents.
10. To protect the amenity of nearby residents and in the interests of highway Safety.
11. To protect the amenity of nearby residents
12. To protect the amenity of nearby residents
13. On security/community safety grounds
14. In the interests of wildlife preservation
15. To bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment
16. In the interests of highway safety
17. To promote sustainable transport
18. In the interests of highway safety
19. To promote sustainable transport
20. To minimise the impact of the proposed development on allocated shopping centres within the shopping hierarchy
21. To preserve the amenity of neighbouring properties
22. To preserve the amenity of neighbouring properties
23. To promote local employment opportunities
24. In the interests of wildlife preservation

Informative Notes:

It is noted that the proposal will involve building works. Given the proximity of Residential properties, it is recommended 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. This is to prevent nuisance to neighbours. The City Council's Environmental Health Team also wish to see a traffic management plan and a dust management plan for the construction process, so as to prevent an issue of vehicle noise and dust nuisance to existing domestic and commercial properties. There should also be no bonfires on site at any time.

Classification: OFFICIAL

Committee Report Item No: 1

Application No: DER/12/15/01570

**Type: Full Planning
Application**

Application timescale:

The 13 week target timescale for determination of the application expired on the 8 April 2016. However a formal extension of time has been agreed with the applicant. The application is brought before the committee because of the number of objections received.

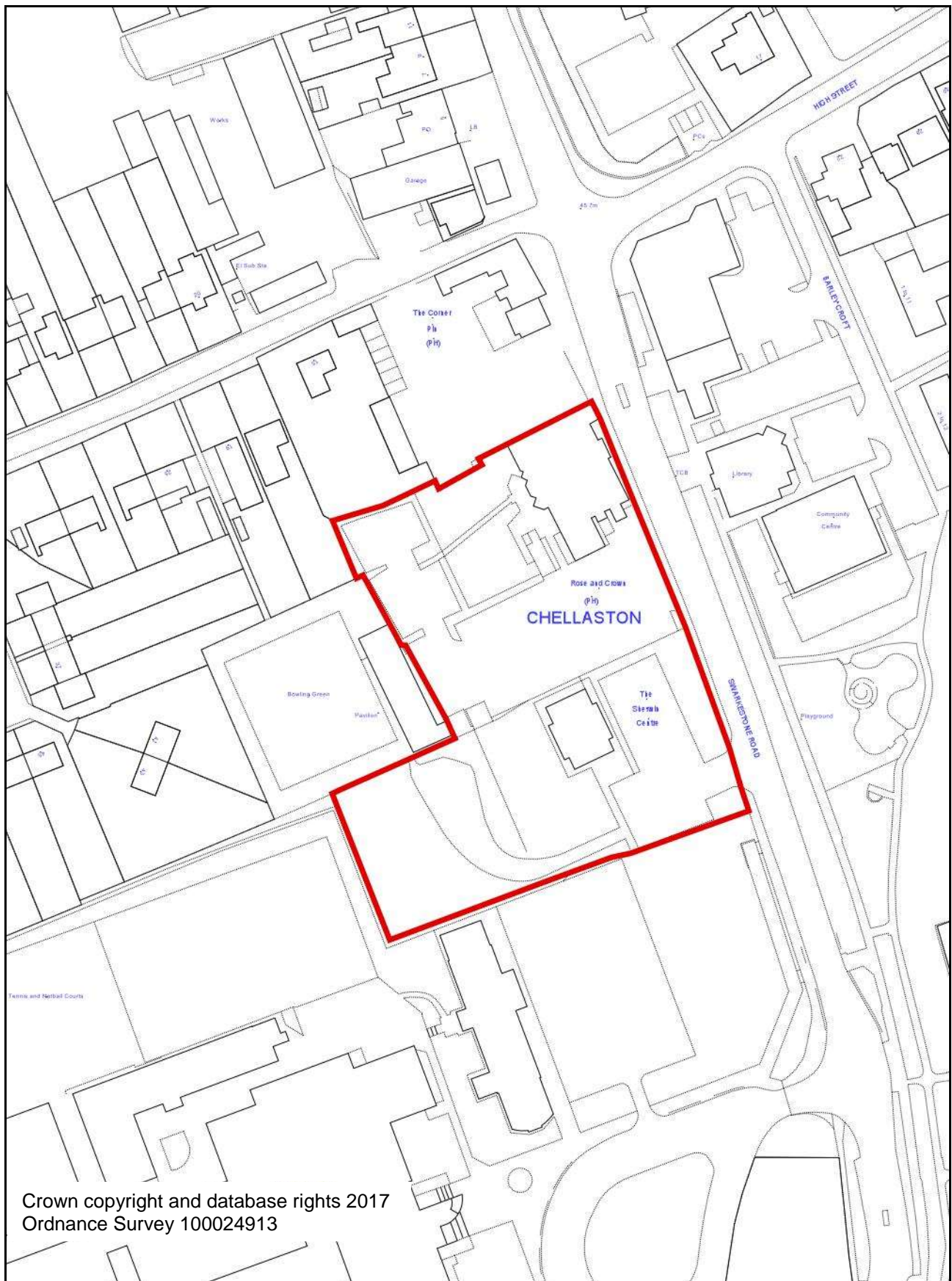
Classification: OFFICIAL

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Committee Report Item No: 1

Application No: DER/12/15/01570

Type: Full Planning
Application



Classification: OFFICIAL

1. Application Details

Address: Site of 10 Farley Road, Derby.

Ward: Abbey

Proposal:

Demolition of dwelling and erection of replacement dwelling house - variation of conditions 2 & 4 of previously approved planning permission Code No. DER/12/14/01690 to amend the approved plans to accommodate rear elevation raised patio and associated ground works

Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/01/17/00103>

This application is a resubmission of planning application reference DER/12/14/01690. It seeks to vary Condition 2 and Condition 4 imposed on the earlier application which relate to the approved plans for the development and details of boundary treatment. The approved scheme granted planning permission for the demolition of the existing dwelling at No. 10 Farley Road and the erection of a replacement dwelling on the site. It was considered by Members at the Planning Control Committee meeting held on the 14th May 2015.

The main changes between the scheme approved under application reference DER/12/14/01690 and the development now before you is the introduction of a raised terrace to the rear of the new dwelling and the introduction of replacement planting scheme of shrubs and trees in the rear garden, to mitigate for the removal of trees and vegetation which was previously within the rear curtilage.

There is a marked fall in the land levels from the front to the back of the application site and as a result, a raised terrace (approx. 1.5 metres high above the ground level) has been created to provide a level patio area at the rear of the dwelling, which can be accessed from the property's main living area. This raised terrace did not form part of the original approval. In addition to the raised terrace the finished floor levels to the rear of the new dwelling have been raised (by approx. 1.5m at their highest point) to enable the dwelling to be built at one level. The applicant seeks permission to retain this arrangement.

Following on from the site visit by Members on the 30th March 2017 further changes to the scheme have been requested from the agent to address neighbour concerns regarding loss of privacy and general overbearing/massing impact. The requested amendments are as follows:

- Pull the raised terrace away from the boundary with No. 2A Cathedral View located to the North of the site.
- The introduction of high-level screens on both sides of the raised terrace
- The removal of the banked land levels around the terrace and replacement with steps located centrally within the terrace to access the lower level garden.

- The introduction of a much smaller window within the rear elevation of the kitchen.
- The use of obscure glazing within the side facing windows of the family room (northern side elevation).
- The use of obscure glazing within the side facing kitchen window and door (northern side elevation).

Amended plans will be circulated in advance of the meeting.

The application is accompanied by a Planting Proposals and Method Statement for the new planting scheme, which includes quick growing native trees and evergreen shrubs to be planted around the perimeter of the rear curtilage.

2. Relevant Planning History:

| | | | |
|------------------------|---|--------------|--------------------------|
| Application No: | 12/14/01690 | Type: | Full Planning Permission |
| Decision: | Granted conditionally | Date: | 20/05/2015 |
| Description: | Demolition of dwelling and erection of replacement dwelling house | | |

| | | | |
|------------------------|---|--------------|--------------------------|
| Application No: | 12/13/01481 | Type: | Full Planning Permission |
| Decision: | Refused | Date: | 13/02/2014 |
| Description: | Extensions to dwelling house (garage, study, kitchen, sitting room, dining room, porch, 2 bedrooms, enlargement of bedroom, en-suites and balcony | | |

Reasons for refusal:

- 1) *In the opinion of the Local Planning Authority, the proposed extensions by reason of their scale, mass, design and external appearance would have a significant adverse effect on the character of the application property and the character of the surrounding area. The existing property makes a positive contribution to the streetscene along Farley Road and it is considered that the extensions fail to respect the character and distinctiveness of the property and as a result of their size and design would overwhelm the original property thus having a detrimental impact upon the building's overall appearance. Accordingly the proposal would fail to comply with saved policies GD4, E23 and H16 of the adopted City of Derby Local Plan Review.*
- 2) *In the opinion of the Local Planning Authority the proposed rear balcony would result in a loss of privacy and general amenity for the occupiers of neighbouring dwellings through overlooking of their windows and private garden areas. Accordingly the proposal is considered to be contrary to saved policies H16 and GD5 of the adopted City of Derby Local Plan Review.*
- 3) *In the opinion of the Local Planning Authority the proposed extensions as a result of its overall height, scale, siting and degree of projection along the boundary with no. 12 Farley Road would create an over dominant feature which would have a detrimental impact on the residential amenities of the occupiers of no. 12 Farley Road through loss of light and massing/overbearing impact upon*

their private garden area. Accordingly the proposal is considered to be contrary to saved policies GD5 and H16 of the adopted City of Derby Local Plan Review.

- 4) *In the opinion of the Local Planning Authority insufficient information has been submitted with the application to demonstrate that the proposed development can be constructed without causing harm to the health and therefore the visual amenity value of the nearby protected Oak tree (T39 of TPO No: 279). Accordingly the proposed is considered to be contrary to saved policy E9 of the adopted City of Derby Local Plan Review.*

3. Publicity:

Neighbour Notification Letter – 5 letters

Site Notice – Yes

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

4. Representations:

Three neighbour objection letters have been received following consultation on the proposals. Objections have been received from Nelsons Solicitors, on behalf of the occupiers of No. 2A Cathedral View, 2 Cathedral View and 8 Farley Road.

The issues raised are summarised below:

- The terrace will result in overlooking of 2 Cathedral View, upstairs, downstairs and the whole garden.
- All of the trees and shrubbery, which formed the original planning conditions, have been removed. There appears to be no effort to replace these and no real action from the council regarding this breach.
- The rear ground floor elevation is already so high as to project adversely onto the neighbouring properties and their gardens and this change will add further to the overbearing nature of the structure and loss of privacy. The proposed fence screening is inadequate and intrinsically ugly in nature. In itself it creates an overbearing structure. The proposed planting only replaces a small number of the mature trees that the applicant has already removed entirely from the rear garden, despite the approved planning application stating that these would be retained.
- The proposal will be overbearing and will significantly impinge on the privacy, outlook and enjoyment of 2A Cathedral View.
- The terrace will entirely overlook the rear lounge and dining area at ground floor level as well as the full extent of 2A Cathedral View's garden area.
- The proposed glazed panels are oppressive, overbearing and stark in appearance. The amended design is contrived. The glazed panelling will not assimilate well with its surrounding and will be an unsightly feature to neighbouring properties and detrimental to visual amenity. This will lead to a loss of outlook from the rear lounge and dining area at 2A Cathedral View.

- With the introduction of the terrace and glazed panels there will be an increased feeling of being enclosed.
- The raised terrace remains open across the majority of the east elevation and as a result, there is no protection in terms of loss of privacy from this part of the raised terrace.

5. Consultations:

Highways Development Control:

The Highway Authority has No Objections to the proposals.

Natural Environment:

No comments to make.

6. Relevant Policies:

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

| | |
|------|--|
| CP2 | Responding to Climate Change |
| CP3 | Placemaking Principles |
| CP4 | Character and Context |
| CP16 | Green Infrastructure |
| CP19 | Biodiversity |
| CP23 | Delivering a Sustainable Transport Network |

Saved CDLPR Policies

| | |
|-----|--|
| GD5 | Amenity |
| H13 | Residential Development – General Criteria |

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

<http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR%202017.pdf>

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

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:

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

- Background context
- Impact on the amenity of neighbours

Background context

Construction work on the approved development to erect a replacement dwelling on this site has commenced on site. The detached dormer bungalow which had previously occupied the plot has been demolished and the exterior of the replacement dwelling is now substantially complete. The newly erected dwelling is a contemporary brick-built two-storey property with a forward projecting gable. Although not yet complete, the development integrates acceptably with the character of the streetscene along Farley Road in terms of its siting, scale and external appearance, and the scheme, as amended, would be visually acceptable when viewed from public vantage points. In terms of its visual appearance and impact on the character and appearance of the locality the development is still deemed to be acceptable.

Within the front garden area of the application site there is a large Oak tree protected by a Tree Preservation Order (T39 of TPO No: 279). As per the previous application, and subject to tree protection measures, the development is considered to be acceptable in terms of its impact upon the protected Oak tree.

Impact on the amenity of neighbours

The key issue to be considered in this instance is the impact that the proposed amendments will have on the amenity of neighbouring properties. To the north the site abuts the garden areas of No's 2 and 2A Cathedral View. No. 2A Cathedral View, in particular, has a fairly shallow garden and is situated at a lower level compared to the application site. To the south the site abuts No. 8 Farley Road. Objections have been received from the occupiers of all three of these properties which are outlined within Section 4 of this report. The main concerns relate to overlooking/loss of privacy from windows within the development and the raised terrace, together with overbearing impact/loss of outlook and concerns about the visual appearance of the development.

Sadly the applicant has removed a substantial amount of vegetation within the rear garden area during the course of the building works, including the hedging/trees along the northern site boundary which had assisted in screening views from No. 2A Cathedral View. In order to address this issue a replacement landscaping scheme has been submitted and a number of trees have already been planted at the site. I will seek to control the implementation and retention of this new planting through a suitable planning condition.

Due to the elevated nature of the newly erected rear terrace, in the absence of any screening in place, there is potential for significant overlooking of neighbouring properties to occur. The submitted amended plans propose 2 metre high obscure glazed panels along the northern side of the raised terrace, although further amendments have requested since the Members attended a site visit, to reduce the potential loss of privacy for residents on both sides of the raised terrace. With these obscure glazed screens in place, together with a condition which ensures they are retained for the life of the development, the raised terrace is considered to be acceptable in terms of its impact on neighbour amenity. The further amendments requested from the applicant also seek a reduction in the size of the terrace, by pulling it away from the northern boundary with No's 2 and 2A Cathedral View, which will assist in minimising the impact on these properties. In addition to this a condition is recommended to control the use of obscure glazing within the side facing kitchen window/door, within the northern elevation, to prevent overlooking of the garden area at No.2 Cathedral View.

Although there is clearly some impact on neighbours and the new dwelling is visible from neighbouring gardens, this is a large plot and with the suggested measures in place, including the tree and shrub planting scheme in the process of being implemented on the site, then I am satisfied that the development would be acceptable in terms of its impact on neighbour amenity and accord with the relevant policies of the adopted Derby City Local Plan – Part 1 and saved policies of the Local Plan Review.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of reasons:

The application, as amended, is considered to be acceptable in terms of its impact on neighbour amenity. The design of the development is also considered to be acceptable in terms of its impact on public views.

Conditions:

1. Standard 3 year time limit
2. Standard approved plans reference condition
3. Condition controlling external materials of construction
4. Condition controlling details of boundary treatment, to include fencing along northern site boundary.
5. Condition requiring the implementation of the approved landscaping scheme/replanting submitted in support of the application and future maintenance.
6. Condition controlling the implementation of tree protection measures
7. Condition controlling surfacing materials/construction measures within the RPA of the protected oak tree.
8. Condition controlling the use of obscure glazing on upper floor side facing windows.

Committee Report Item No: 2

Application No: 01/17/00103

**Type: Variation of
Condition**

9. Condition controlling the use of obscure glazing within the side facing kitchen window/door on the northern elevation.
10. Condition requiring the submission of precise details of the screen around the raised terrace and controlling the retention of the screens to remain in situ for the life of the development

Reasons:

1. Standard reason for time limit
2. For the avoidance of doubt
3. To preserve the character and appearance of the area
4. To preserve the character and appearance of the area
5. To safeguard and enhance the visual amenities of the area
6. To safeguard the long term retention of the protected oak tree/other retained vegetation
7. To safeguard the long term retention of the protected oak tree/other retained vegetation.
8. To protect the amenity of neighbours
9. To protect the amenity of neighbours
10. To protect the amenity of neighbours

S106 requirements where appropriate:

None

Application timescale:

The 8 week target timeframe for determination of the application expired on the 31st March. An extension of time has been requested from the agent.

Classification: OFFICIAL

Committee Report Item No: 2

Application No: 01/17/00103

Type: Variation of
Condition



Classification: OFFICIAL

1. Application Details

Address: Car park adjacent to Eley Walk, Gerard Street, Derby.

Ward: Arboretum

Proposal:

Erection of 4 dwelling houses and formation of vehicular access

Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/02/17/00222>

Brief description

This is a full application for residential development on part of a private residents car park (maintained by Derby Homes) accessed off Gerard Street. The car park currently provides 34 parking spaces for resident permit holders. It slopes down from Gerard Street towards the housing on Eley Walk and has various ornamental trees in areas of landscaping. The site is located in a high density residential area on the edge of the city centre, which comprises a mix of Post-war and Victorian terraced dwellings. The housing to the north and west of the car park on Eley Walk and Longstone Walk is laid out on Radburn principles, with dwellings and flats facing onto open space and pedestrian walkways.

The proposal is for a social housing scheme and would involve the erection of a terrace of 4 dwellings, each with 2 bedrooms to be sited on the north east part of the car park, fronting onto Gerard Street. The proposed dwellings are two storey and of a traditional form with steeply pitched projecting gables to the front and rear elevations and steep pitched rooflines. The front elevations would include Juliet balconies to the gable sections and recessed front doorways. The front of the terrace would be set back from the street frontage behind a small walled yard. To the rear there would be raised terrace patios dropping onto an enclosed rear yard, which reflect the sloping gradient of the car park. In terms of materials, it is proposed to use buff brick and grey vertical tile cladding, with coloured UPVC for windows and doors.

A new vehicular access and footway to the car park would be formed to the south of the new housing, with the existing access closed and reinstated to footway. The car park is to be reduced in size with 14 car parking spaces retained within the car park. 4 of these would be allocated to the new dwellings and one allocated to an existing leaseholder. The remaining 9 spaces would be for the use of existing permit holders and this includes the disabled parking bay which is also provided.

There are three trees on the car park which are proposed for removal as part of the development which are all ornamental trees, given a Category C in the submitted Tree Survey. The rest are shown for retention around the edge of the car park.

2. Relevant Planning History:

None relevant.

3. Publicity:

Neighbour Notification Letter

Site Notice

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

4. Representations:

16 letters of objection have been received to the application and the main issues raised are as follows:

- Loss of car parking spaces in the car park
- Lack of car parking for the proposed housing
- Existing residents use the car park and there would be shortfall following the development.
- No on-street parking available.

5. Consultations:

Highways Development Control:

The proposed dwellings will be constructed on land currently taken up with private car parking. The Design & Access details the level of use of the car park; with four parking spaces (1 per dwelling) being allocated to residents of the dwellings; and with 9 of the remaining 10 spaces not having specific allocation.

Gerard Street is subject to a "no waiting at any time" (double yellow lines) parking restriction on both sides fronting the development. The site falls away from the highway and is fronted by a footway approximately 2.35m wide.

There is an existing street nameplate located within the verge area (which will be within plot 4) "Eley Walk & Longstone Walk" The proposals will close an existing access, and construct another (4.8m wide). Visibility (both right and left) would be sufficient to comply with standards.

No specific allocation has been made within the site for refuse collection (refuse vehicles would not be likely to enter the car park); however there is ample space within the front yard to each dwelling for bins to be stored on collection days.

Whilst concerns may be expressed in respect of the loss of parking within the existing car park, the Design & Access Statement details current parking use and demonstrates that the proposed level of provision is adequate.

Recommendation:

The Highway Authority has No Objection to the proposals, subject to suggested conditions to control surfacing, access provision and waste collection.

Natural Environment (Tree Officer):

The tree losses are acceptable, being 'C category' trees. The only significant tree on the site is tree No. 4 (Maple). This is shown for retention.

Further information is required to support the application and to ensure that trees retained are not compromised by the development. This includes a Tree Constraints Plan, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan to assess tree issues.

- Tree No. 3: Can and should this tree be retained? The canopy will overhang the proposed entrance to the car park. The canopy may need to be pruned on a regular basis to ensure access for high sided vehicles servicing the development and construction traffic. The kerb realignment is not detailed; I suspect that it will compromise significant roots. An impact assessment and tree constraints plan should show whether the tree could be retained. Removal of tree no.3 and the planting of a Fastigate tree maybe a better option.
- Tree Nos 4 and 5: Again will the kerb alignment affect the trees. Is it proposed to lay a new hard surface on the existing car park? Protection of the canopy of the trees during construction is required. The shadowing of these trees should not affect the southernmost terrace but the shadow arc should be plotted to demonstrate that the enjoyment of the garden and dining room will not be unduly affected by the trees.
- G1 is shown for retention. It was noted on the tree survey that the retaining wall of the raised planter is damaged (probably through direct damage from incremental root growth). Is the planter to be repaired? The cherry tree of G1 has a life expectancy of less than 10 years; it should be considered to remove G1 and carry out replacement plantings in an appropriate tree pit which should lessen future maintenance issues of the existing raised planter.

6. Relevant Policies:

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

| | |
|------|--|
| CP2 | Responding to Climate Change |
| CP3 | Placemaking Principles |
| CP4 | Character and Context |
| CP6 | Housing delivery |
| CP16 | Green Infrastructure |
| CP23 | Delivering a Sustainable Transport Network |

Saved CDLPR Policies

| | |
|-----|--|
| GD5 | Amenity |
| H13 | Residential Development – general criteria |
| T10 | Access for Disabled people |

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

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An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

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 context – residential development
- Design and Amenity
- Highways and parking implications
- Trees

Policy Context – residential development

This is a proposal for a small residential scheme of social housing in a high density residential area on the edge of the city centre. This part of Gerard Street is characterised by a mix of Victorian terraces and post-war Radburn style housing and the existing car park provides permit only parking to local residents. It is proposed to erect four terraced dwellings on part of the car park fronting onto Gerard Street and remove 20 of the existing parking spaces. A smaller car park would be retained to the rear of the development.

The development would provide affordable housing in an area where there is currently Derby Homes managed housing stock. The new dwellings would make a small contribution to the social housing need in this part of the city and meets the corporate intentions of the Council, to deliver new affordable units. This is in line with the aspirations of Policy CP6 of the new adopted Derby City Local Plan – Part 1, which seeks to ensure that the city's full and objectively assessed need for housing, including affordable housing is met. This will be achieved by delivery of identified housing sites, but also through windfall sites, including the regeneration of brownfield sites such as this one.

Saved policy H13 of the City of Derby Local Plan Review (CDLPR) is still relevant and seeks residential development which makes an efficient use of land and respects the urban grain of the local area in terms of its design and layout. Policies CP3 and CP4 reiterate some of the intentions of H13 and both require a high standard of design and place making in new developments and proposals which respond positively to local character and identity of neighbourhoods.

Design and Amenity

The proposed development is a row of four 2 bedroom, two storey dwellings which would front directly onto Gerard Street, with small enclosed front yards. They would be roughly in line with the adjacent dwellings and flats on the street and have private rear gardens to the rear. The dwellings would have strong frontage onto the street set back slightly from the footway with defensible private space to the front entrance. This form of housing is comparable with existing terraced dwellings on the opposite side of Gerard Street, as well as further down the road. The nearby properties on Eley Walk and Longstone Walk are of the distinct Radburn type with communal open space rather than private gardens. The orientation of the built form onto Gerard Street also responds to the sloping nature of the car park, which falls away from the highway towards the houses on Eley Walk. The rear elevations would open out onto a raised terrace with steps to a lower garden level and direct access to the parking area in the rear car park. Level access to the dwellings is provided from street level. The development would reflect the contours of the site and maintain a suitable scale and massing, which ties in with the ambient heights and form of other housing on Gerard Street. Overall, the proposed form and layout of the new dwellings would generally be in keeping with the local context and reflects the type of housing which is currently present in the immediate area.

In terms of the design and appearance, the development is of a traditional form and scale, using steeply pitched rooflines and gable features, with the use of brick and tile hanging on the elevations. However, the dwellings would be contemporary in appearance with a distinctive character and identity which would give visual interest to the streetscene and complement the mixed styles and periods of housing in the locality. The built form would be a little higher than the nearby housing, due to the steeper roof line, although this contributes to its distinctiveness and references the Victorian properties in Gerard Street and Burton Road. It is considered to be a high quality terraced scheme, which would respond positively to this residential area and respect the urban context and character of the street. For these reasons I am satisfied that the development meets the design requirements in adopted policies CP3 and CP4 and saved Policy H13.

In terms of residential amenity, the layout and scale of the new dwellings would not have a material adverse effect on the living conditions of nearby housing on Gerard Street and Eley Walk. The development would be sited alongside the end terrace at 168 – 170 Gerard Street, which are flats and have a secondary window in the side elevation but there would not be any undue massing impact or loss of privacy to these properties from the adjacent new dwelling. The end terraces on either end of the development have a secondary bedroom window in the gable elevation, although there would not any significant overlooking from these openings of the adjacent properties on Gerard Street. There would be sufficient distance to principal elevations

of the dwellings at the front and rear of the development to ensure no unreasonable impact on the privacy of the occupants. Overall, I am satisfied that there would be no significant harm to the amenities of nearby residents in the local area as a result of the development, in accordance with the saved policy requirements of H13 and GD5.

Highways and Parking implications

The residential development would result in a loss of part of the car park off Gerard Street, which is for resident permit holders only. There are currently 34 spaces and this would be reduced to 14 parking bays located to the rear of the proposed dwellings. The car park access would also be relocated towards the southern boundary. There is an existing entrance to a lock up garage at 182 Gerard Street from the car park, which is to be maintained and one of the parking spaces is reserved for an existing leaseholder and this will be retained on the site.

Third party objections from residents have raised concerns about the loss of car parking and insufficient parking being maintained for local residents to use. There is limited scope for on-street parking in this location, since Gerard Street has double yellow line parking restrictions in this area. In support of the application, the applicant has provided evidence of surveys undertaken of the car park and consultation of local residents, which shows that the car park is normally used by up to 10 vehicles (with or without permits) and there were no significant concerns raised to the development on the car park. I have visited the site on more than one occasion and the car park appears to be underused with no more than 9 vehicles. I am also mindful that the car park is private for permitted residents only. The Highways Officer has considered the current parking situation and is satisfied that the reduction in car parking would not impact on the parking requirement in this location. Due to the low usage of the car park, the retained parking area should be adequate for the existing users, with the provision of allocated spaces for the new dwelling and existing leaseholder. One designated disabled parking bay is also to be provided in the altered car park. One parking space would be designated per new dwelling within the car park and this is considered sufficient for a two bedroom dwelling in this edge of city centre location. The reduced car park and parking provision for the development would in my opinion maintain an appropriate level of parking for the existing residents in this area and for the occupants of the new housing.

The revised access onto Gerard Street is considered acceptable in terms of layout and visibility and does not raised any material highway safety issues. There are also no concerns in relation to bin collection and servicing for the new dwellings. I note that the Highways Officer is generally satisfied with the highway impacts of the development and parking implications and on this basis the proposal is in compliance with the new adopted Policy CP23 (Delivering a Sustainable Transport Network).

Trees

There are various ornamental trees within the existing car park included as part of the landscape planting. 3 of the 8 trees are shown for removal to form the development and alterations to the parking area. The Council's Tree Officer has raised no concerns about the loss of the trees, since those trees are not of significant amenity value. He has noted that the trees to be retained will require tree protection and possible method statement for surfacing works around the trees to reconfigure the

car park. A Tree Constraints Plan and Arboricultural Impact Assessment have been requested in order to assess the effects of the development and potential mitigation and when received these will be reported at the meeting. Tree protection measures and method statements for the retained trees can be appropriately controlled by means of planning conditions and overall I am satisfied that the retained trees can be maintained and protected during the course of the construction. The development would not have a harmful impact on the retained trees on and around the site, subject to compliance with the relevant conditions and therefore the scheme is in accordance with the requirements of adopted Policy CP16 (Green Infrastructure).

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of reasons:

The proposal is a high quality form of residential development, which would deliver affordable housing contributing to the city's housing need. The development would respect and complement the character of the surrounding residential area, in terms of scale, massing and design and would not have an adverse impact on residential amenity. The reduced area of car parking for existing permit holders would be adequate to provide for the current parking demand and for the proposed housing. There are no other highway safety implications arising from the scheme. There would be no significant tree loss or adverse impacts on retained trees on the site, subject to compliance with required tree protection measures and method statements.

Conditions:

1. Standard condition (time limit for three years)
2. Standard condition (approval of specified plans)
3. Standard condition (details of external materials to be agreed)
4. Standard condition (means of enclosure and boundary treatment to be agreed)
5. Vehicle and pedestrian access as approved to be brought into use before occupation.
6. The existing access made redundant by the development to be permanently closed and reinstated as footway.
7. The parking area to be provided to be clearly delineated in accordance with the approved plan and used for purpose of parking vehicles.
8. Trees to be retained to be protected during construction period in line with BS5837:2012 and a Tree Protection Plan and a Arboricultural Method Statement to be submitted and agreed. The works and protection measures to be carried out in accordance with the agreed document during the life of the construction.

Reasons:

1. In accordance with Town and Country Planning legislation
2. For the avoidance of doubt.

3. To ensure a satisfactory form of development in interests of visual amenity – Policies CP3, CP4 & H13
4. To preserve visual amenities in the streetscene and protect residential amenity – Policies CP3, CP4 & GD5
5. In the interests of traffic and pedestrian safety for users of the site and the public highway – Policy CP23
6. In the interests of highway safety for users of the public highway – Policy CP23
7. To ensure adequate parking provision in the site to minimise potential parking on the public highway – Policy CP23
8. To ensure safeguarding and protection of retained trees during the life of the development in interests of visual amenity – Policy CP16

Informative Notes:

- N1. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact: HighwaysDevelopmentControl@derby.gov.uk
- N2. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
- N3. The consent granted will result in the construction of new dwellings which need naming and numbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing plot numbers, location in relation to existing land and property, and the placement of front doors or primary access on each plot

Application timescale:

The target date for determination of the application was the 25 April 2017 and this has been extended by agreement with the applicant to 17 May 2017.

Classification: OFFICIAL

Committee Report Item No: 3

Application No: DER/02/17/00222

**Type: Full Planning
Application**



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Ordnance Survey 100024913

Classification: OFFICIAL

Classification: OFFICIAL

Committee Report Item No: 4

Application No: DER/02/17/00177

**Type: Full Planning
Permission**

1. Application Details

Address: 133 Brighton Road, Alvaston.

Ward: Alvaston

Proposal:

Change of use from dwelling house (use class C3) to house in multiple occupation (sui generis use) and erection of a single storey rear extension.

Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/02/17/00177>

Brief description

The residential property is located in a fairly prominent position along Brighton Road, opposite Beatty Street in Alvaston.

The building is currently an end terrace dwelling, with no off-street parking.

The proposal is for the conversion of the ground floor living space and second floor attic into additional bedrooms in order to create a seven bedroom house in multiple occupation (HIMO).

The proposal would include the erection of a single storey extension to the rear of the property, creating a proposed ground floor kitchen/diner and bedroom 3 shown on the proposed ground floor plan provided, with the following approximate dimensions: width- 3.6m, length-9.4m, height (eaves)-2.9m, (ridge)-3.9m.

The single storey extension element of the proposal has also been applied for under a Householder Prior Notification, application ref: DER/01/17/00125, which is yet to be determined. This is on the basis that the extension is permitted development subject to approval under the prior notification process. If however, the change of use to a HIMO is implemented before the extension is constructed, then there would no longer be any permitted development rights therefore this extension to be built, so this element has been included as part of the proposed application for clarity.

2. Relevant Planning History:

| | | | |
|------------------------|---|--------------|----------------|
| Application No: | DER/01/17/00125 | Type: | Prior Approval |
| Decision: | Not Determined | Date: | |
| Description: | Single storey rear extension – Projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 3m) to dwelling house. | | |

3. Publicity:

Neighbour Notification Letter - 4 letters

Site Notice

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

Classification: OFFICIAL

4. Representations:

20 neighbour objections have been received in regards to the following issues:

- Overcrowding- The use would result in overcrowding of the property. (Although living spaces may appear small, all relevant legislation in regards to acceptable amenity standards have been adequately met.)
- Traffic Congestion/Parking- Increase in parking from the proposed use and other existing developments in the local area
- Change in nature of the property/area- Loss of family housing to HMOs.
- Desirability of likely tenants
- Non-compliance with housing regulations
- Work already started on site without permission
- Sewerage and surface water drainage – Proposal connecting additional bathrooms.

5. Consultations:

Highways Development Control:

There are no parking restrictions at this location on Brighton Road and the applicant has shown that there will be cycle racks to the rear of the property.

Recommendation – No significant highway implications and, as such, no objections.

Resources and Housing (HMO):

In relation to the above planning application I had concerns regarding means of escape from the bedroom adjacent to the kitchen and am pleased that you have confirmed that this room will have a secondary means of escape through the window. Also as has been pointed out in one of the objection letters there is a minimum amenity standard for the kitchen in this type of property (licensable HMO) and am pleased that you have confirmed that the house will have a kitchen and other facilities that comply with the amenity standards which we publish and that you have the relevant copies of these. I have no further comments.

6. Relevant Policies:

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

- CP1(a) Presumption in Favour of Sustainable Development
- CP2 Responding to Climate Change
- CP3 Placemaking Principles
- CP4 Character and Context
- CP23 Delivering a Sustainable Transport Network

Saved CDLPR Policies

- GD5 Amenity
- H13 Residential Development – General Criteria
- H16 Housing Extensions

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

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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.

- Ability to create a satisfactory level of amenity for future occupants
- Highway implications
- Impact upon neighbours

Ability to create a satisfactory level of amenity for future occupants

In regards to the creation of a seven bedroom HIMO property, it is acknowledged that living spaces may appear small in size, however each of the proposed bedrooms/shared living spaces, would provide adequate living and bathroom facilities for any future occupants, which has been confirmed by the Council's Housing Standards team. Although it is noted that objections from local residents have been received in regards to possible 'overcrowding' and 'non-compliance to legislation' in regards to the proposed change of use, I am satisfied that living space which would be provided accords with the minimum housing standards, as regulated by the Housing Standards. The proposed layout and size of accommodation is also considered to form a pleasant and secure living environment for the occupants as required by Policy CP3 and saved policy H13.

Highway implications

In regards to highway implications, concerns have been raised by third party objectors in regards to existing parking and traffic issues within the locality. However there are currently no parking restrictions upon Brighton Road and the Highways Officer does not have any concerns about the potential additional parking generated by the occupants of the HIMO. Furthermore adequate levels of cycle parking are to be provided in relation to the development and these can be secured by a suitable planning condition. Other modes of non- car transport are also available for occupants, since the site is in an accessible location, close to a bus route and the Alvaston District centre. The proposed use would therefore not have any adverse impacts on highway safety and accords with the provisions of transport Policy CP23.

Impact upon neighbours

In regards to residential amenity saved policy GD5 states that "permission will only be granted for development where it provides a satisfactory level of amenity within the site or building itself and provided it would not cause unacceptable harm to the amenity of nearby areas". With this in mind it is considered that the proposed introduction of a more intensive type of residential use, by forming a HIMO would not result in any undue material impact to neighbouring residents on Brighton Road, by way of loss of privacy, increased pollution (such as noise), disturbance or resultant parking implications. There are no additional window or door openings to be formed in the property, so there would be no greater impact in terms of overlooking or privacy. The use of the dwelling as a 7 bed HIMO would not in my opinion be an unreasonably harmful level of use of the property, bearing in mind the size of the property and the context in a relatively high density residential area.

In regards to the proposed single storey extension, this element is to be located to the rear of the property and therefore would not be visible within the immediate street scene of Brighton Road. With this in mind it is considered that that the overall size and design of this element would be in-keeping with the existing property and would not be detrimental to the character and design of the dwelling. In relation to residential amenity it is accepted that the proposal is at single storey only, with an overall ridge height of 3.9m, therefore I am satisfied that there would be no material impact by way of massing, overshadowing or overlooking of neighbouring dwellings. The requirements of saved policy GD5 in relation to amenity are therefore adequately met.

Concerns raised by neighbouring residents, in relation to issues arising from the proposed use of the property as a HIMO, such as possible antisocial behaviour from occupants, increased visitors to the development and the desirability of possible tenants, are not considered to be issues to be addressed through the planning system.

Overall it is felt that the proposal is acceptable by way of use, size, form, character and design, and residential amenity would not be unreasonably affected. Although a number of representations have been received as a result of the neighbour consultations, all relevant planning matters have been adequately addressed within the officers report. The proposal reasonably satisfies the requirements of the adopted policies of the Derby City Local Plan Part 1: (Core Strategy) and the saved policies of the adopted City of Derby Local Plan Review as included within this report.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of Reasons:

The proposed residential use and extension to form HIMO is acceptable in terms of impacts on residential amenity, on visual amenities of the local streetscene and on highway safety. The proposal would also form a pleasant, safe and secure environment for the occupants of the building.

Conditions:

1. Standard condition for three year permission.
2. Standard condition to carry permission in accordance with the approved plans:

Reasons:

1. To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.

Application timescale:

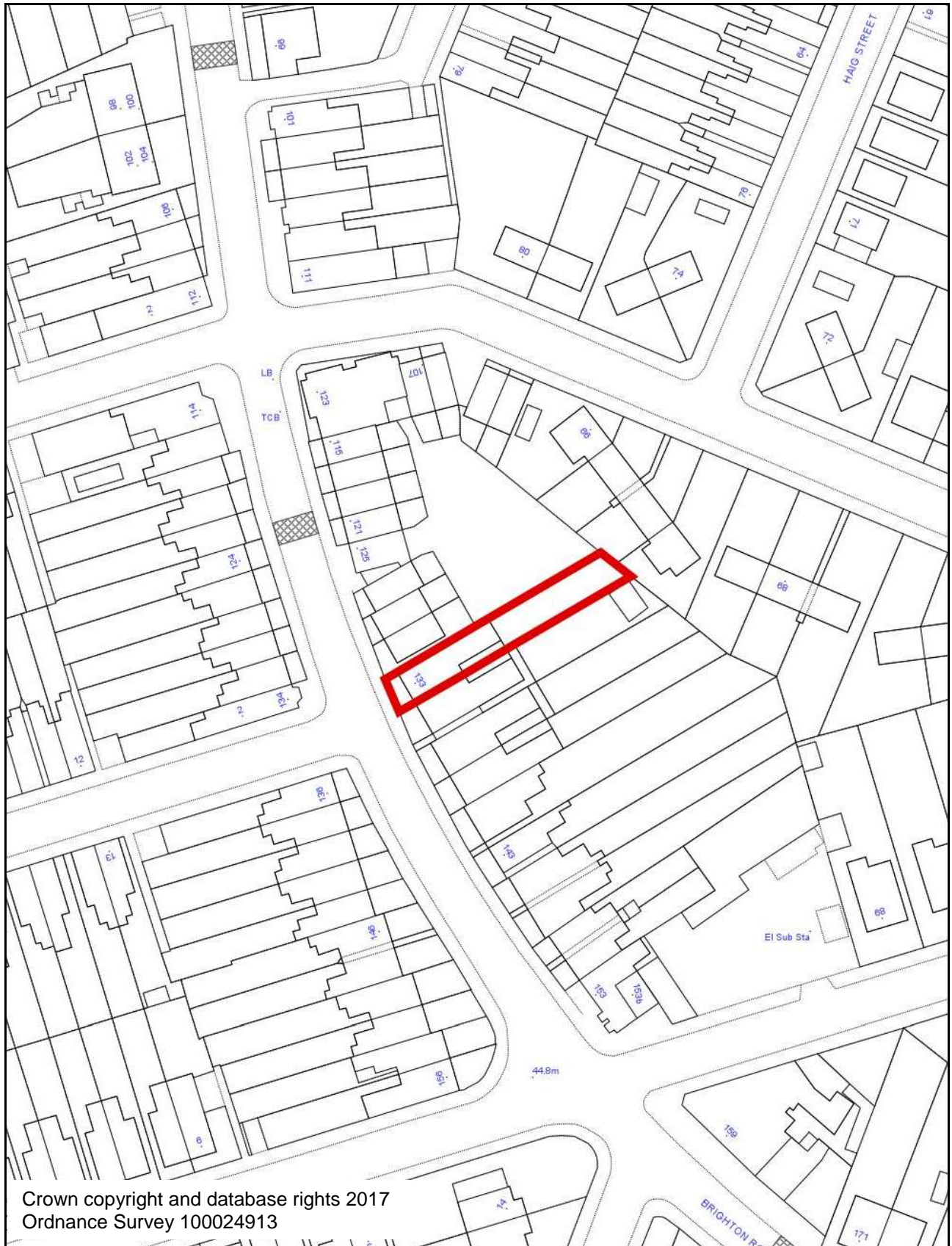
Target for determination of application expired 17/04/2017 and is brought to committee due to number of objections.

Classification: OFFICIAL

Committee Report Item No: 4

Application No: DER/02/17/00177

**Type: Full Planning
Permission**



Classification: OFFICIAL

1. Application Details

Address: Car Park and Garage Blocks, off City Road, Derby.

Ward: Darley

Proposal:

Demolition of existing garages and change of use to a secure car park area.

Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/04/17/00454>

Brief description

This full planning application seeks permission to demolish 10 vacant garages and change the use of the land to a secure private car park on land off City Road. The application site and wider garage complex is currently owned by the City Council. The proposed car park area would be enclosed with a black railing fence boundary, secure access gates (4 metres wide) and erection of two new lighting columns.

The existing wider garage complex site comprises of surface parking for approximately 32 cars and 33 garages, providing approximately 65 car parking. On visiting the car park the surface car park appears under-used and a large number of the garages are in disrepair and vacant.

The application site is accessed off City Road and bounded by properties on City Road, Marcus Street and Chester Green Road and is located within the Little Chester Conservation Area. To the north of the application site is a footpath which links to a series of footpaths linking Old Chester Road, Camp Street, Derventio Close and City Road along with providing access to the garages court along its northern boundary.

This application is a re-submission following Members decision to refuse planning permission for a previous scheme (ref: DER/12/16/01518) as it was resolved that the proposal failed to preserve or enhance the character and setting of the Conservation Area. The reason for refusal is detailed in Section 2 of this report.

The proposal has been amended in order to address this reason for refusal. The main amendments to the previous scheme are as follows:

- Erection of a 1.8 metre vertical bar steel fence along the boundary of the application site finished in black,
- Inclusion of a shrub planting scheme
- Heritage lighting columns,
- The number of surface car parking spaces has been reduced from 12 to 10 to provide landscaped planting areas.

The application is accompanied by a detailed Design and Access Statement that considers the context of the proposal including Our City Our River, Consultation, Historical Context, Environmental Impact, Boundary Treatments and Archaeology.

Along with the relevant plans the application also includes Visualisation details, a Bat Survey, Tree Survey and a Ducting Layout.

Background Information

The garage site is owned by Derby City Council with some of the garages leased to local residents. The garage complex accommodates 33 garages and surface parking for approximately 32 vehicles. This planning application relates to only part of the garage site. Out of the 32 garages 2 have been sold, 10 are currently under lease and 21 garages are vacant.

The application has been submitted in order to provide replacement car parking for a local business, Aida Bliss, which will be affected by the Our City Our River flood defence scheme. Whilst Aida Bliss no longer work from the main factory on City Road they maintain offices at the junction of St Pauls Road and City Road and currently benefit from parking at the factory site, at the southern end. In delivering such large scale projects, particularly where there is an impact on a third party, the Council must take reasonable steps to work with the relevant land owners. In the context of this application, the Council is negotiating the purchase of Aida Bliss, in order to deliver a long section of flood defence that cuts through the rear of the Aida Bliss factory site. The car parking currently used by the Aida Bliss office employees would form part of the land to be acquired, as part of the negotiations Aida Bliss has sought replacement parking within the locality of their offices. Aida Bliss is seeking secure parking in order to guarantee parking spaces for employees and tenants of their offices. Whilst they would be eligible for parking permits in Chester Green, parking would not be guaranteed for employees particularly as non-residents, those without permits, can park subject to a two hour parking limit.

The OCOR project assumes that some of the flood defences will be brought forward as part of regeneration projects, on such sites as Aida Bliss. However no such redevelopment schemes have been proposed on the Aida Bliss site. The flood defences on Aida Bliss are within Package 1 works which are currently under construction. Failure to provide the flood defence on Aida Bliss, within the shortest time period, will result in a hole in the flood defences in Chester Green. Therefore the Council is negotiating the purchase of the Aida Bliss factory site in order to deliver a long section of flood defence that runs through a number of the Aida Bliss buildings – this section of flood defence currently has outline planning permission under the previously approved application. The OCOR project will then deliver the flood defence along with considering the re-development opportunities of the remaining site.

2. Relevant Planning History:

| | | | |
|------------------------|--|--------------|---------------------------|
| Application No: | 12/16/01518 | Type: | Full Planning Application |
| Decision: | Refused | Date: | 13/04/2017 |
| Description: | Demolition of existing garages and change of use to a secure car park area | | |

In the opinion of the Local Planning Authority the proposed development, by virtue of its layout and siting, would neither preserve nor enhance the character of the Little Chester Conservation Area. Therefore, the proposal fails the statutory test in Section

72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and is contrary to policy CP20 of the adopted Derby City Local Plan Part 1: (Core Strategy) and saved policy E18 of the adopted City of Derby Local Plan Review.

3. Publicity:

Neighbour Notification Letter sent to 38 properties

Site Notice erected 21st April 2017

Statutory Press Advert published 14 April 2017

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

4. Representations:

No third party comments received at the time of drafting this report.

5. Consultations:

Conservation Area Advisory Committee:

No objection. The amended scheme is welcomed, although some concerns were raised over the height of the proposed lamp posts being too tall, and this should be looked into.

Built Environment:

The proposal is effectively a revision to application no: DER/ 12/16/01518

The proposed amendment to the design of the fencing to simple traditional vertical railings with a painted finish is a substantial improvement to the proposed scheme and would be more appropriate to the historic character and appearance of the Conservation Area.

The proposed lighting column has been relocated close to the gate to the site, where it would have less conflict with the existing 'heritage style' lighting columns on the existing footpath. Nevertheless I would recommend a condition to secure a good quality design to the new lighting column to achieve further visual enhancement.

It is regrettable that no additional planting has been proposed to soften the appearance of the enclosure. However, I note that this is a back land site with a former industrial use, and consider that the amendments to the scheme are sufficient to address the concerns previously raised, such that the overall impact on the character and appearance of the conservation area would be neutral.

Derbyshire County Council Archaeologist:

The proposal site is within the City Council's Archaeological Alert Area corresponding to the Roman fort and civil settlement at Little Chester. The site is only c10m from the boundary of the Scheduled Monument corresponding to the Roman fort, and is located at the fort's south-eastern corner.

The site was used by the Great Northern Railway, which is shown on historic mapping running on embankment in this location. However, this material seems now

to have been reduced, and excavation in 1971-2 covering parts of the garage site identified several phases of occupation from Roman to early medieval. The railway use does not therefore seem to have impacted on these buried archaeological remains.

The groundworks associated with the proposals are very minor in scope, comprising cable ducts to a depth of 450mm, lamp columns and fence posts to a depth of 600mm, and re-landscaping of the area where the trees are located, to a depth of 260mm. Much of this depth of excavation is likely to be within modern hardstanding and levelling material associated with the garage development, but there is potential for some minor and piecemeal impact upon underlying archaeological levels, where these survive.

I recommend that these modest impacts are addressed through a conditioned scheme of archaeological recording in line with NPPF para 128, to comprise archaeological supervision and monitoring of the development groundworks.

Highways Development Control:

These observations are primarily based upon details shown on application drawing "OCOR-CR02 RevC".

According to the "Position Statement" provided in support of the application, "...the garages within the application site are... empty".

The site itself is served off a private drive. As the garages are empty, there will (in effect) be no highways impact in relation to the proposals as any parking displacement will have already taken place outside of the planning process and outside of the involvement of the Highway Authority. Therefore, in highways terms there will be no material change.

Recommendation: The Highway Authority has No Objections to the proposals.

Land Drainage:

The development will not introduce additional vulnerability to flooding or increase flood risk in comparison to the existing development.

There are no proposed alterations to the paved surface area which could lead to an increase in surface water runoff. However, there may be opportunities to introduce permeable paving which would see a reduction in runoff where practical. The applicant should consider the feasibility of this against the benefits it would bring to runoff volume and quality.

However, generally, I can fully support the proposals on flood risk grounds.

Natural Environment:

I carried out the tree survey but I am confident I can give an unbiased assessment.

The public visual amenity has been assessed and the cumulative score of the trees to be removed scored 13 points (15 points is the bench mark to include in a TPO). As

they scored under 15 points they have not accrued sufficient amenity value to justify inclusion within a TPO.

As I have had some involvement in this an Arboricultural Impact Assessment is not required.

In principal I have no objection to the tree removals to facilitate the formation of the parking area. I note that replacement trees are not to be planted.

I note that a plan has been supplied (Demolition and Construction Works City Road Car Park OCOR-CR02) showing the RPA of trees to be retained however more details are required.

The ducting plan should be superimposed onto the plan which indicates the RPA of the trees and where it is within the RPA of the tree it should be either re-routed out of the RPA or hand-dug as per NJUG guidance.

Conditions are recommended in respect the applicant submitting a Tree Protection Plan and Arboricultural Method Statement.

Derbyshire Wildlife Trust:

The application seeks permission for the demolition of garages and removal of eight trees to facilitate a secure car park.

We have reviewed the supporting information, including the WYG Ecology report and OCOR Ecology Report, and, in summary, advise that there are unlikely to be any ecological issues and constraints associated with the proposed development.

6. Relevant Policies:

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

| | |
|------|--|
| CP2 | Responding to Climate Change |
| CP3 | Placemaking Principles |
| CP4 | Character and Context |
| CP16 | Green Infrastructure |
| CP19 | Biodiversity |
| CP20 | Historic Environment |
| CP23 | Delivering a Sustainable Transport Network |
| AC7 | The River Derwent Corridor |
| AC8 | Our City Our River |

Saved CDLPR Policies

GD5 Amenity
E18 Conservation Areas

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

<http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR%202017.pdf>

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

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:

- Principle of Development
- Impact on the Conservation Area and Design
- Environmental Issues
- Highway Impacts
- Residential Amenity

Principle of Development

The application seeks permission to provide secure parking for a local business, within the Chester Green area, that will be affected by the implementation of the Our City Our River Flood Defence Scheme. The parking currently used by this business will be displaced as a result of the flood defence scheme, as detailed above.

The application seeks to provide a designated car park within an area that has been and is currently being used for the purposes of car parking. I therefore see little difference, in land use terms between the current use and proposed use.

Since the submission of the previous planning application, the 3 garages that were previously let are now vacant following the relocation of all 3 tenants, following negotiation with the Council's Estates Team. Therefore, the proposal will not result in the displacement of any resident car parking due to the limited up taken of local residents to lease the garages and a number being empty.

In light of the above and the limited usage of the garages I do not consider that the proposal will result in a displacement of car parking. Furthermore I consider that the application, in land use terms, is no different to the existing use being undertaken on the site.

Impact on the Conservation Area and Design

The proposal is considered to be acceptable. The demolition of the garages, due to their disrepair and dilapidated appearance would, in my opinion; enhance the character of the Conservation Area. The formation of the surface car park, erection of heritage style lighting columns and vertical bar railing fencing would improve the appearance of this area and enhance the character and setting of this part of the Conservation Area.

The application site is not readily visible from the public domain and/or street scene of City Road, Marcus Street or Chester Green Road albeit there is a view of the roofs of the garages from the adjacent footpath. The loss of the garages and formation of the surface car park with the proposed associated works would have a positive impact on this area including views through and across the wider garage complex.

The full comments of the Council's Built Environment Officer and the Conservation Area Advisory Committee are set out in Section 4 of this report. Both raise no objections to the scheme and consider the proposal to be acceptable subject to conditions. The full details of the lighting column will be secured under a recommended condition. This will also consider the height of the lighting column in accordance with the comments made by the Conservation Area Advisory Committee.

It is important to consider that *impact* does not necessarily equate to *harm*. Whilst I accept that the proposal will have some impact on the setting and character of the Chester Green Conservation Area, in terms of a small scale change in form and layout, I do not consider this impact to constitute 'harm'. Overall I consider the impact to be a positive impact enhancing this locality of the Conservation Area.

Paragraphs 132 – 134 of the National Planning Policy Framework should be considered when determining applications in the context of heritage assets where harm, of some degree, is caused. However, as I do not consider that the proposal would result in any harm to the Conservation Area the tests in the these policies of the NPPF are not triggered in this case.

In the determination of the previous application, DER/12/16/01518, Members considered that the proposal did not preserve or enhance the character and setting of the Conservation Area. Following amendments to the proposal, which are those outlined in Section 1 of this report, I consider that this proposal overcomes the previous reason for refusal and would positively contribute to the setting and character of the Conservation Area. The proposal is therefore considered to enhance and preserve the Little Chester Conservation Area, complying with the relevant policies, in particular adopted policy CP20, as set out in Section 6 of this report.

If Members consider that the proposal will have more than an impact on the Conservation Area and determine that the proposal will result in less than substantial harm to the Conservation Area, then the following public benefits should be considered.

The public benefits associated with this proposal would be the implementation and completion of the Our City Our River flood defence scheme which without the relocation of the affected car parking may not take place. The implementation and completion of the flood defence scheme would benefit a wide area including residential and commercial properties in the Chester Green area. A further public benefit, subject to the Council completing the purchase of Aida Bliss, would be the re-development opportunities of the former factory site. This would bring back into use a prominently located building that has been vacant for a considerable period of time.

The County Archaeologist has requested the standard written scheme of investigation condition but raises no over-arching objection to the proposal in respect of potential impacts on below-ground archaeology.

The application site does not, in my opinion, form any of the key and important views of the Conservation Area or World Heritage Site as it is barely visible from the public domain and is heavily screened by well-established vegetation. Overall I consider the proposal to be satisfactory in terms of its impact on the setting and character of the Conservation Area and would conclude that the impact of the development would be positive thus preserving and enhancing the character of the Conservation Area. The proposal is therefore acceptable in terms of the requirements of the relevant policies of the Derby City Local Plan Part 1, Policy CP20 and saved policies GD5 and E18 of the adopted City of Derby Local Plan Review.

Environmental Issues

The garage court accommodates 24 Leyland cypress trees, the majority of which are located outside of the application area. These trees, particularly those at the entrance of the car park on City Road will not be affected by this proposal.

The trees affected by the proposal are categorised in the submitted Tree Survey as being B2 and at the mature end of their life at a height of between 8 - 10 metres. These trees are visible, from some viewpoints, within the wider area but primarily contribute to the setting of the garage site from private viewpoints – within residential gardens, within the garage site itself and from the public footpath which runs to the north of the site. Whilst these trees are not protected by a Tree Preservation Order they are protected due to their location within the Chester Green Conservation Area. This type of tree would not be protected under a standalone Tree Preservation Order. The application seeks to remove 11 trees as a result of the demolition of the garages and the regrading of the land resulting in changes to the land levels. The removal of these trees, whilst regrettable, would not have a significant impact on the character and setting of the Conservation Area due to the limited views from the public domain. Furthermore no objections were raised by my colleague in the Natural Environment team in relation to the previous application in respect of the removal of these trees. The impacts on the trees under the current proposal are no different to the previous, so there tree loss is unlikely to give rise to any arboricultural concerns. The comments of the Natural Environment team will be reported at the meeting.

Derbyshire Wildlife Trust has provided a consultation response in respect of the proposal and raise no objections concluding that there are unlikely to be any ecological issues and/or constraints associated with the proposal. As the Trust

considers this site to have a relatively low ecological value no other conditions have been requested.

The proposal is therefore broadly compliant with adopted policies CP16 and CP19 of the Derby City Local Plan Part 1.

The proposed drainage strategy for the proposal will integrate with the existing surface water drainage. This is considered to be acceptable and no objections have been received by colleagues in Land Drainage. There are no concerns with regards to the impacts of the scheme on surface drainage in accordance with the comments from the Councils Land Drainage team. The drainage impacts on the site will remain as existing and the proposal therefore accords with adopted Part 1 policy, CP2.

In light of the above I see no reason to resist the proposal in respect of the environmental grounds.

Highways Impacts

The full comments of my colleague in Highways Development Control are set out in Section 5 of this report. No concerns have been raised in respect of the proposed development as the access to the application site is private and not maintained by the Highway Authority. The level of vehicular trips associated with the proposed will not have a detrimental impact on the surrounding highway network and therefore there are no highway objections to the proposal. Furthermore no concerns have been raised in respect of any displaced car parking onto the public highway. The application therefore satisfies adopted policy CP23 of the Derby City Local Plan Part 1.

Residential Amenity

The application site can be viewed from the curtilage of surrounding domestic properties on City Road, Marcus Street and Chester Green Road. I do not consider that the proposal would result in a detrimental impact on the amenity of these surrounding properties.

As stated the proposed car park will be used by a local business and is therefore likely to be in regular use, particularly during the daytime and week days. This will offer a level of natural surveillance of this area and the rear boundaries of properties on Marcus Street and Chester Green Road.

Summary

The proposed demolition of the existing garages and erection of boundary fence, resurfacing and the felling of 11 trees, is in my opinion acceptable. The proposed development would in my opinion preserve and enhance the setting and character of the Chester Green Conservation Area and would contribute positively to the character of the surrounding residential area.

8. Recommended decision and summary of reasons:

To grant planning permission with conditions.

Summary of reasons:

The demolition of the garages is considered to be acceptable as they offer little to the setting or character of the Chester Green Conservation Area. The re-grading of the land and formation of a car parking area is considered to be acceptable in policy

terms. The erection of the heritage style lighting column and steel railing boundary is considered to be acceptable and will preserve and enhance the character and setting of the Chester Green Conservation Area. Whilst the proposal will result in the loss of 11 trees this is not considered to be detrimental to the setting of the Chester Green Conservation Area.

Conditions:

1. Standard condition (Approved Plans)
2. Standard condition (Time Limit for 3 years)
3. Non-Standard condition (Require Demolition Method Statement)
4. Non-Standard condition (To control details of design, height and appearance of Lighting Scheme and Column Design)
5. Standard Condition (Require Archaeological Scheme of Investigation)
6. Standards Condition (Require Landscaping Scheme, including details of planting areas)
7. Standard Condition (Landscaping maintenance of scheme approved under condition 6)
8. Standard Condition (Boundary treatment including details sections and construction details)
9. Non-Standard Condition (Parking Bay delineation details)
10. Non-Standard Condition (Requiring the submission of a Tree Protection Plan and Arboricultural Method Statement.)

Reasons:

1. Standard reason (For the avoidance of doubt)
2. Standard reason (Time Limit Reason)
3. Standard reason (Preserve Residential Amenity)
4. Standard reason (Preserve Residential Amenity and Conservation Area)
5. Non-Standard reason (to preserve below-ground archaeology)
6. Standard reason (Preserve Residential Amenity and Conservation Area)
7. Standard reason (Preserve Residential Amenity and Conservation Area)
8. Standard reason (Preserve Residential Amenity and Conservation Area)
9. Standard reason (Preserve the Conservation Area)
10. Standard reason (To protection vegetation during construction)

Application timescale:

The statutory target for determination of this application is 1st June 2017.

Classification: OFFICIAL

Committee Report Item No: 5

Application No: DER/04/17/00454

**Type: Full Planning
Application**



Classification: OFFICIAL

Derby City Council

Delegated decisions made between 01/04/2017 and 30/04/2017

| Application No. | Application Type | Location | Proposal | Decision | Decision Date |
|-----------------|---------------------------------------|--|---|-----------------------|---------------|
| 05/15/00703/PRI | Full Planning Permission | Costco Wholesale Uk Ltd, Wyvernside, Derby, DE21 6RS | Erection of petrol filling station and reconfiguration of car parking and associated works | Granted Conditionally | 19/04/2017 |
| 03/16/00329/PRI | Full Planning Permission | 43 Caxton Street, Derby, DE23 8BD | Retention of single storey rear extension to dwelling house (kitchen/dining room) and single storey front extension to dwelling house (porch) and installation of front dormer | Granted Conditionally | 27/04/2017 |
| 09/16/01145/PRI | Full Planning Permission | Rear of 116 Blagreaves Lane, Littleover, Derby, DE23 7FP | Alterations and extensions to building to form dwelling house and erection of gates | Granted Conditionally | 21/04/2017 |
| 09/16/01155/PRI | Full Planning Permission | 62 Friar Gate, Derby, DE1 1DJ | Alterations to offices (use class B1a) to form three apartments (use class C3) | Granted Conditionally | 24/04/2017 |
| 09/16/01156/PRI | Listed Building Consent - alterations | 62 Friar Gate, Derby, DE1 1DJ | Alterations in connection with change of use from offices (use class B1a) into 3 apartments (use class C3), including removal of internal walls, blocking up of doorways and windows, and provision of stud walling | Granted Conditionally | 24/04/2017 |
| 10/16/01260/PRI | Full Planning Permission | 6 Mileash Lane, Darley Abbey, Derby, DE22 1DD | First floor side extension to dwelling house (bedroom and en-suite) and erection of a detached garage | Granted Conditionally | 20/04/2017 |
| 10/16/01298/PRI | Full Planning Permission | 38 Rosedale Avenue, Alvaston, Derby, DE24 0FJ | Two storey side and single storey rear extensions to dwelling house (garage, utility room, two bedrooms and sun room) | Granted Conditionally | 06/04/2017 |
| 11/16/01322/PRI | Full Planning Permission | 28 Railway Terrace, Derby, DE1 2RU (Pride Cars) | Installation of an ATM | Granted Conditionally | 05/04/2017 |
| 11/16/01323/PRI | Advertisement consent | 28 Railway Terrace, Derby, DE1 2RU (Pride Cars) | Display of non-illuminated ATM surround | Granted Conditionally | 05/04/2017 |

| Application No. | Application Type | Location | Proposal | Decision | Decision Date |
|-----------------|---------------------------------------|---|---|----------------------------|---------------|
| 11/16/01327/PRI | Full Planning Permission | 1 Yates Street, Derby, DE23 8RA | Two storey rear extension to dwelling and change of use to form house in multiple occupation (sui generis use) | Granted Conditionally | 06/04/2017 |
| 11/16/01390/PRI | Full Planning Permission | 48 St. Peters Street, Derby, DE1 1SR (Greggs) | Alterations to shop front | Granted Conditionally | 07/04/2017 |
| 11/16/01391/PRI | Advertisement consent | 48 St. Peters Street, Derby, DE1 1SR (Greggs) | Display of one non-illuminated fascia sign, one non-illuminated projecting sign and two non-illuminated poster signs | Granted Conditionally | 07/04/2017 |
| 12/16/01458/PRI | Full Planning Permission | Wilmot House, St. James Court, Friar Gate, Derby, DE1 1BT | Side and rear extensions (single and three storey) to building to provide extensions to apartments and storage areas to be used in conjunction with apartments | Granted Conditionally | 26/04/2017 |
| 12/16/01471/PRI | Works to Trees in a Conservation Area | 26 Otter Street, Derby, DE1 3FB | Crown thin by 15-20% and crown lift up to 4 metres of a Sycamore tree within the Strutts Park Conservation Area | Raise No Objection | 06/04/2017 |
| 12/16/01472/PRI | Full Planning Permission | 21-25 Albert Street, Derby, DE1 2DS | Installation of new shop fronts | Granted Conditionally | 28/04/2017 |
| 12/16/01483/PRI | Works to Trees under TPO | 17 Woodminton Drive, Chellaston, Derby, DE73 1RZ | Felling of an Ash tree protected by Tree Preservation Order No. 59 | Granted Conditionally | 25/04/2017 |
| 12/16/01492/PRI | Full Planning Permission | 123 Normanton Road, Derby (Caribbean Restaurant) | Installation of a new shop front | Granted Conditionally | 19/04/2017 |
| 12/16/01510/PRI | Full Planning Permission | 4 Shardlow Road, Alvaston, Derby, DE24 0JH | Change of use from retail (use class A1) to a hot food takeaway (use class A5) including the installation of new extraction/ventilation equipment and external alterations including the installation of a new shop front | Refuse Planning Permission | 12/04/2017 |
| 01/17/00029/PRI | Full Planning Permission | Celtic House, Friary Street, Derby, DE1 1LS | Installation of replacement windows, installation of new window openings and entrance canopy | Granted Conditionally | 20/04/2017 |

| Application No. | Application Type | Location | Proposal | Decision | Decision Date |
|-----------------|-------------------------------------|--|---|----------------------------|---------------|
| 01/17/00046/PRI | Local Council own development Reg 3 | 39 Harrington Street, Pear Tree, Derby, DE23 8PE | Change of use of part of rear garden of 39 Harrington Street from residential curtilage (use class C3) to a woodland teaching environment (use class D1) in association with the adjacent Nursery School | Granted Conditionally | 21/04/2017 |
| 01/17/00060/PRI | Full Planning Permission | 19 Davids Close, Chellaston, Derby, DE73 5SY | Two storey side extension to dwelling (games room, bedroom and en-suite) | Granted Conditionally | 13/04/2017 |
| 01/17/00064/PRI | Full Application - Article 4 | 1 Kirk Street, Derby, DE1 3SB | Installation of a replacement door to the front elevation | Granted Conditionally | 18/04/2017 |
| 01/17/00066/PRI | Full Planning Permission | 26 Main Avenue, Allestree, Derby, DE22 2EG | Two storey rear and single storey side extensions to dwelling house (entrance hallway, kitchen/sitting area and enlargement of bedroom) and formation of rooms in the roof space (lobby and master bedroom with en-suite) | Granted Conditionally | 27/04/2017 |
| 01/17/00082/PRI | Full Planning Permission | Former builders yard at the rear of 58-62 Station Road, Mickleover, Derby, DE3 5GJ | Demolition of outbuildings. Erection of a bungalow (use class C3) and a detached garage | Granted Conditionally | 18/04/2017 |
| 01/17/00090/PRI | Full Planning Permission | 90 & 100 Chellaston Road, 2-8 (evens) Sinfin Avenue, 2-8 (evens) Darwin Avenue, 3-5 (odds) & 4-12 (evens) Walton Avenue, 1 & 3 Merrill Way, 1-7 (odds) Edinburgh Crescent & 3, 5 & 6 Spencer Avenue, Derby | Alterations to dwellings (replacement of the existing flat garage roofs with pitched/hipped roofs) | Granted Conditionally | 27/04/2017 |
| 01/17/00105/PRI | Full Planning Permission | Part of Northcliffe House, Meadow Road, Derby, DE1 2BH | Change of use from print works (use class B1) to school with nursery (use class D1) | Refuse Planning Permission | 12/04/2017 |
| 01/17/00110/PRI | Full Planning Permission | 14 Walton Drive, Derby, DE23 7GN | Single storey rear extension to dwelling house (kitchen/dining area) | Granted Conditionally | 24/04/2017 |
| 01/17/00116/PRI | Full Planning Permission | 137 Havenbault Lane, Littleover, Derby, DE23 7AF | Two storey and first floor side extension to dwelling house (utility room, shower room and enlargement of bedroom) | Granted Conditionally | 20/04/2017 |

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|-----------------|---------------------------------------|---|---|-----------------------|---------------|
| 01/17/00123/PRI | Works to Trees in a Conservation Area | St. Werburghs House Nursing Home, Church Street, Spondon, Derby, DE21 7LL | Various works to trees within the Spondon Conservation Area | Raise No Objection | 06/04/2017 |
| 02/17/00126/PRI | Full Planning Permission | 12 Cadgwith Drive, Derby, DE22 2AE | Two storey side extension to dwelling house (garage/store, w.c., utility room, en-suite and bedroom) | Granted Conditionally | 26/04/2017 |
| 02/17/00134/PRI | Full Planning Permission | 19 Statham Street, Derby, DE22 1HR | Single storey side and rear extension to dwelling house (enlargement of kitchen) | Granted Conditionally | 07/04/2017 |
| 02/17/00139/PRI | Full Planning Permission | 46 Chapel Lane, Spondon, Derby, DE21 7JU | Single storey front and two storey rear extensions to dwelling house (porch, study, utility room, sitting room, two bedrooms, en-suite and enlargement of kitchen/dining area) and installation of a new window to the side elevation | Granted Conditionally | 06/04/2017 |
| 02/17/00140/PRI | Full Planning Permission | 18 Vicarage Drive, Chaddesden, Derby, DE21 6LR | Single storey front, side and rear extensions to dwelling house (entrance hall, w.c., utility room, lobby and enlargement of kitchen) | Granted Conditionally | 06/04/2017 |
| 02/17/00141/PRI | Full Planning Permission | 185 Morley Road, Oakwood, Derby, DE21 4TB | Single storey front extension to dwelling house (enlargement of hall, lounge and dining room) | Granted Conditionally | 20/04/2017 |
| 02/17/00150/PRI | Local Council own development Reg 3 | 81 Crewe Street, Derby, DE23 8QQ | Single storey rear extension to dwelling house (wetroom) | Granted Conditionally | 04/04/2017 |
| 02/17/00151/PRI | Local Council own development Reg 3 | 1 Lyttelton Street, Derby, DE22 3FD | Single storey side extension to dwelling house (hall and bedroom) | Granted Conditionally | 07/04/2017 |
| 02/17/00153/PRI | Works to Trees under TPO | 5 Bramley Close, Oakwood, Derby, DE21 2XQ | Crown reduction by 2m, crown lift by 3m and cutting back of branches to give 2.5-3m from any fixed assets of Oak tree protected by Tree Preservation Order No 31 | Granted Conditionally | 27/04/2017 |
| 02/17/00157/PRI | Full Planning Permission | 15 Auckland Close, Mickleover, Derby, DE3 5LH | Two storey side and single storey front and rear extensions to dwelling house (garage, porch, kitchen/dining area, conservatory, utility room, en-suite and bedroom) | Granted Conditionally | 20/04/2017 |

| Application No. | Application Type | Location | Proposal | Decision | Decision Date |
|-----------------|--|---|--|----------------------------|---------------|
| 02/17/00159/PRI | Full Planning Permission | 16 Deincourt Close, Spondon, Derby, DE21 7LT | Two storey rear and single storey side extensions to dwelling house (family room, bedroom and enlargement of kitchen and bedroom) | Granted Conditionally | 24/04/2017 |
| 02/17/00171/PRI | Full Planning Permission | 42-44 Harrington Street, Pear Tree, Derby, DE23 8PG | Change of use and alterations to dwelling house to form four flats (use class C3) and installation of an external staircase | Granted Conditionally | 06/04/2017 |
| 02/17/00172/PRI | Certificate of Lawfulness Proposed Use | 56 Northumberland Street, Derby, DE23 6UB | Single storey side and rear extensions to dwelling house (enlargement of kitchen) | Refuse Planning Permission | 24/04/2017 |
| 02/17/00176/PRI | Full Planning Permission | 98 Dale Road, Spondon, Derby, DE21 7DF | Single storey rear extension to dwelling house (conservatory) | Granted Conditionally | 26/04/2017 |
| 02/17/00178/PRI | Full Planning Permission | 5 Cringle Mews, Oakwood, Derby, DE21 2DT | Two storey side and single storey front and rear extensions to dwelling house (study, utility room, bedroom, en-suite and enlargement of kitchen/dining area) | Granted Conditionally | 06/04/2017 |
| 02/17/00183/PRI | Full Planning Permission | Unit 1B Trafalgar Park Way, Derby, DE24 8DX | Retention of two cabins (ancillary space). Erection of two additional cabins (ancillary space) and shipping containers to a maximum volume of 860 cubic metres for storage | Granted Conditionally | 12/04/2017 |
| 02/17/00184/PRI | Full Planning Permission | 21 Lockwood Road, Allestree, Derby, DE22 2JD | Two storey side and single storey rear extensions to dwelling house (living space, w.c., bedroom and en-suite) and the installation of a pitched roof to the existing porch and rear extension | Granted Conditionally | 10/04/2017 |
| 02/17/00188/PRI | Full Planning Permission | 5 Dawlish Court, Alvaston, Derby, DE24 0QZ | Two storey and single storey side and single storey rear extensions to dwelling house (store, corridor, craft room, exercise area and two wardrobes) | Granted Conditionally | 25/04/2017 |
| 02/17/00189/PRI | Full Planning Permission | 41 Station Road, Mickleover, Derby, DE3 5GH | Single storey rear extension to dwelling house (bedroom and bathroom) | Granted Conditionally | 06/04/2017 |

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|-----------------|---------------------------------|---|--|-----------------------|---------------|
| 02/17/00193/PRI | Works to Trees under TPO | Woodland at the rear of 16 Radbourne Gate, Mickleover, Derby, DE3 5DW | Crown reduction by 3m, crown lifting and crown thinning by 30% of one Oak tree (T1) and crown reduction by 5m and crown thinning by 30% of an Oak tree (T2) protected by Tree Preservation Order No. 221 | Granted Conditionally | 07/04/2017 |
| 02/17/00198/PRI | Full Planning Permission | 376 Duffield Road, Derby, DE22 1ER | Single storey side and rear extensions to dwelling house (utility room, store, w.c. and dining area) | Granted Conditionally | 12/04/2017 |
| 02/17/00204/PRI | Full Planning Permission | 11 Crabtree Close, Allestree, Derby, DE22 2SW | Two storey and single storey side and rear extensions to dwelling house (utility room, w.c, dining room, conservatory and two bedrooms) and installation of raised decking area | Granted Conditionally | 25/04/2017 |
| 02/17/00205/PRI | Full Planning Permission | Land to west of 64 Birdcage Walk, Mackworth, Derby, DE22 4LD (access from Mayfair Crescent) | Formation of car park | Granted Conditionally | 26/04/2017 |
| 02/17/00209/PRI | Variation/Waive of condition(s) | 22 Ford Street, Derby, DE1 1EE (The Late Bar) | Demolition of public house and walls. Erection of 4 storey mixed use building (retail on ground and first floor, secure parking garage and 3 apartments) - variation of condition 3 of previously approved planning permission Code No. DER/01/13/00019 to change the elevation details and include additional fenestration. | Granted Conditionally | 21/04/2017 |
| 02/17/00214/PRI | Non-material amendment | 10 Chesterton Avenue, Sunnyhill, Derby, DE23 7GS | First floor side extension to dwelling house (bedroom and en-suite) - Non-material amendments to previously approved planning permission Code No. DER/10/16/01208 for installation of roof light and minor internal layout changes | Granted | 18/04/2017 |
| 02/17/00216/PRI | Works to Trees under TPO | 8 Hamlet Court, Chellaston, Derby, DE73 5AH | Reduction of the lowest significant branch by approximately 4m of the Oak tree protected by Tree Preservation Order no. 177 | Granted Conditionally | 25/04/2017 |

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|-----------------|--|---|--|-----------------------|---------------|
| 02/17/00224/PRI | Works to Trees under TPO | 1 Longshaw Gardens, Alvaston, Derby, DE24 0EY | Felling of Yew Tree. Protected by Tree Preservation Order No. 334 | Granted Conditionally | 28/04/2017 |
| 02/17/00225/PRI | Works to Trees in a Conservation Area | 8 North Street, Derby, DE1 3AZ | Felling of seven Conifer Trees within Strutts Park Conservation Area. | Raise No Objection | 13/04/2017 |
| 02/17/00232/PRI | Certificate of Lawfulness Proposed Use | 31 Glendevon Way, Chellaston, Derby, DE73 1WG | Single storey rear extension to dwelling house (dining room) | Granted | 19/04/2017 |
| 02/17/00237/PRI | Advertisement consent | Steris Plc, Rutherford House, Stephenson's Way, Chaddesden, Derby, DE21 6LY | Display of externally illuminated fascia sign | Granted Conditionally | 20/04/2017 |
| 02/17/00247/PRI | Full Planning Permission | 18 Lime Avenue, Breadsall, Derby, DE21 4GD | Single storey front side and rear extensions to dwelling house (porch, garage, utility and sun room) | Granted Conditionally | 26/04/2017 |
| 02/17/00248/PRI | Works to Trees in a Conservation Area | 3 College Place, Derby, DE1 3DY | Felling of Hawthorn and Sycamore trees within the City Centre Conservation Area | Raise No Objection | 12/04/2017 |
| 02/17/00251/PRI | Variation/Waive of condition(s) | Land off Woodlands Lane, Chellaston, Derby | Variation of condition 1 of previously approved planning permission Code No. DER/01/15/00131 to revise the site layout plan and to substitute the house types to plots 25-28 | Granted Conditionally | 20/04/2017 |
| 02/17/00252/PRI | Certificate of Lawfulness Proposed Use | 1 Brunton Close, Mickleover, Derby, DE3 5TE | Single storey rear extension to dwelling house (enlargement of kitchen and dining room) | Granted | 24/04/2017 |
| 02/17/00253/PRI | Works to Trees in a Conservation Area | 44 Belper Road, Derby, DE1 3EN | Pollarding of four Lime trees within the Strutts Park Conservation Area | Raise No Objection | 06/04/2017 |
| 02/17/00255/PRI | Works to Trees under TPO | 11 Courtland Gardens, Alvaston, Derby, DE24 0LJ | Crown clean, crown thin by 10% and crown lift by 2m of 2 Lime trees protected by Tree Preservation Order No 282 | Granted | 20/04/2017 |
| 02/17/00256/PRI | Full Planning Permission | Derby City Church, Curzon Street, Derby, DE1 1LH | Alterations to the front elevation to include the installation of new windows and replacement entrance doors | Granted Conditionally | 20/04/2017 |

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| 02/17/00257/PRI | Listed Building Consent - alterations | Derby City Church, Curzon Street, Derby, DE1 1LH | Alterations to the front elevation to include the installation of new windows, replacement entrance doors, new fanlight, signage, rainwater goods and lighting, and the removal of an internal partition | Granted Conditionally | 20/04/2017 |
| 02/17/00258/PRI | Advertisement consent | Unit 5, Riverside Court, Pride Park, Derby, DE24 8JN | Display of two non-illuminated fascia signs | Granted Conditionally | 20/04/2017 |
| 02/17/00260/PRI | Full Planning Permission | 54a Grange Street, Derby, DE23 8HA | Single storey front and side extensions to hall (classroom, cloak room, store and enlargement of auditorium) and installation of a new pitched roof | Granted Conditionally | 27/04/2017 |
| 03/17/00261/PRI | Variation/Waive of condition(s) | Land at 73 Oaklands Avenue, Littleover, Derby, DE23 7QH (access from Bowbridge Avenue) | Erection of two dwelling houses - variation of condition 2 of previously approved planning permission Code No. DER/08/15/01100 to amend the approved floor plans and elevations including an additional first floor element to the south west elevation of plot A to form an en-suite | Granted Conditionally | 21/04/2017 |
| 02/17/00264/PRI | Works to Trees in a Conservation Area | 53 Nottingham Road, Derby, DE1 3QT | Felling of four Conifer trees and one additional tree within the Nottingham Road Conservation Area | Raise No Objection | 19/04/2017 |
| 02/17/00266/PRI | Full Planning Permission | 36 Melbourne Close, Mickleover, Derby, DE3 5LG | First floor rear extension to dwelling house | Granted Conditionally | 20/04/2017 |
| 03/17/00268/PRI | Full Planning Permission | 8 Shrewsbury Close, Oakwood, Derby, DE21 2RW | Two storey side and single storey rear extensions to dwelling house (garage, kitchen, conservatory and bedroom) | Granted Conditionally | 24/04/2017 |
| 03/17/00277/PRI | Full Planning Permission | 2 Rydal Close, Allestree, Derby, DE22 2SL (access off Portreath Drive) | Erection of a dwelling house (use class C3) | Refuse Planning Permission | 26/04/2017 |
| 03/17/00279/PRI | Full Planning Permission | 2 Rydal Close, Allestree, Derby, DE22 2SL | Single storey side extension to dwelling (garage) | Granted Conditionally | 25/04/2017 |

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|-----------------|---------------------------------------|--|--|-----------------------------|---------------|
| 03/17/00285/PRI | Variation/Waive of condition(s) | Land at side of 200 Western Road, Mickleover, Derby, DE3 5GU | Erection of two dwelling houses - variation of condition 2 of previously approved planning permission Code No. DER/10/12/01225 to amend the approved plans to include a rear dormer | Granted Conditionally | 19/04/2017 |
| 03/17/00287/PRI | Full Planning Permission | 25 Sinfin Moor Lane, Chellaston, Derby, DE73 1SQ | Erection of a detached garage | Granted Conditionally | 26/04/2017 |
| 03/17/00289/PRI | Works to Trees in a Conservation Area | 42 Kedleston Road, Derby, DE22 1GU | Works to various trees within the Strutts Park Conservation Area | Raise No Objection | 12/04/2017 |
| 03/17/00290/PRI | Works to Trees under TPO | 42 Kedleston Road, Derby, DE22 1GU | Crown thin by 10%, branch/crown reduction by 2.5m (approx), crown lift to 5m and crown clean and deadwood of a Yew tree protected by Tree Preservation Order no. 361 | Granted Conditionally | 28/04/2017 |
| 03/17/00299/PRI | Prior Approval - Householder | 118 Sunny Grove, Chaddesden, Derby, DE21 6WJ | Single storey rear extension (projecting beyond the rear wall of the original house by 3.7m, maximum height 2.85m, height to eaves 2.85m) to dwelling house | Prior Approval Not required | 13/04/2017 |
| 03/17/00300/PRI | Full Planning Permission | The Johnson Building, Derby College, Locomotive Way, Pride Park, Derby | Change of use of part of first floor from education (use class D1) to offices (use class B1) | Granted Conditionally | 12/04/2017 |
| 03/17/00305/PRI | Variation/Waive of condition(s) | 51A Madison Avenue, Chaddesden, Derby | Variation of condition 5 of previously approved planning permission Code No. DER/01/08/00076 to allow the erection of a single storey side extension (conservatory) | Granted Conditionally | 25/04/2017 |
| 03/17/00307/PRI | Non-material amendment | 10 Eaton Avenue, Allestree, Derby, DE22 2EZ | Single storey front and two storey side extensions to dwelling house (porch, bedroom and enlargement of dining room) and alterations to roof - non-material amendment to previously approved planning permission DER/03/16/00349 to include a roof light to the front elevation of the extension | Granted | 06/04/2017 |
| 03/17/00314/DCC | Local Council own development Reg 3 | Land to the rear of 17-24 Victoria Street, Derby, DE1 1ET | Erection of fencing and hoarding to secure the site | Granted Conditionally | 07/04/2017 |

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|-----------------|------------------------------|---|---|-------------------------------|---------------|
| 03/17/00323/PRI | Full Planning Permission | 5 Ordish Avenue, Chaddesden, Derby, DE21 6QF | Single storey side extension to dwelling house (garage and store) | Granted Conditionally | 27/04/2017 |
| 03/17/00337/PRI | Prior Approval - Householder | 97 Field Lane, Alvaston, Derby, DE24 0GS | Single storey rear extension (projecting beyond the rear wall of the original house by 7.25m, maximum height 3.4m, height to eaves 2.7m) to dwelling house | Prior Approval Not required | 20/04/2017 |
| 03/17/00339/PRI | Prior Approval - Householder | 122 Prince Charles Avenue, Mackworth, Derby, DE22 4FN | Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.5m, height to eaves 2.4m) to dwelling house | Prior Approval Not required | 25/04/2017 |
| 03/17/00382/PRI | Prior Approval - Householder | 29 Chain Lane, Mickleover, Derby, DE3 5AJ | Single storey rear extension (projecting beyond the rear wall of the original house by 3.5m, maximum height 3.75m, height to eaves 2.45m) to dwelling house | Prior Approval Not required | 25/04/2017 |
| 04/17/00430/PRI | Full Planning Permission | The Bungalow, 24 Parkfields Drive, Derby, DE22 1HH | Single storey side and rear extensions to dwelling (garage and living room) and alterations to the roof including installation of a rear dormer and five roof lights to the front elevation to form rooms in the roof space (three bedrooms, bathroom and en-suite) | Invalid - Finally Disposed of | 10/04/2017 |