

## **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:**

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

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**Planning Control Committee 31 May 2018**

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2	15 - 26	06/17/00810	Land at the side and rear of The Hill, 402 Duffield Road, Derby	Residential development (for up to 4 dwellings) - approval of reserved matters of appearance, landscaping, layout and scale under outline permission code no. DER/11/15/01348	<b>To grant</b> planning permission with conditions
3	27 - 57	11/17/01446	Site of 36 Agard Street, Derby	Erection of an 8 storey building of 77 flats and associated car parking	<b>To refuse</b> planning permission.
4	58 - 77	01/18/00119	Part of Northcliffe House, Meadow Road, Derby	Change of use from print works (use class B1) to a school (use class D1)	<b>To refuse</b> planning permission.

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

**Application No: DER/11/17/01538**

**Type: Outline Planning  
Permission**

### **1. Application Details**

**1.1. Address:** Land to the south of St Edmunds Parish Church, Sinfin Avenue, Allenton (access off Queensferry Gardens)

**1.2. Ward:** Chellaston

**1.3. Proposal:**

Outline application - Demolition of scout hut and residential development (up to six dwellings - use class C3)

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/11/17/01538>

**Brief description**

This outline application relates to land to the south of St Edmunds Church, Shelton Lock, lying between the Church and dwellings in Queensferry Gardens. The land is partly occupied by an existing Baden Powell hut (BP hut) whilst the remainder is unused and overgrown. The surrounding area is primarily residential. There is a public house on the opposite side of Queensferry Gardens, to the west of the site, and a 0.7ha area of recreational open space only 20m southeast of the site. Sinfin Avenue is a bus route and the site lies approx. 750m from Allenton local centre.

The outline application seeks permission to demolish the existing BP hut and to erect 6 dwellings. All matters are currently reserved, although indicative plans show the proposed vehicular access from Queensferry Gardens, to the west. The indicative layout shows 6 dwellings, in a linear pattern, orientated in a north-south direction. Each dwelling would be served by 2 parking spaces to the front. The access drive is proposed to have a turning head, located to the rear of the Church building.

The proposed access would be immediately north of no 5 Queensferry Gardens and the access drive would cross land to the rear of the vicarage (currently in the ownership of the Diocese). Some trees and other vegetation will inevitably be lost but the existing hedges between the site and Queensferry Gardens will be retained. A new hedge is proposed between the site and the rear of the Church.

The indicative plans also show a proposed extension to the rear of the Church, on land which is currently an unused part of the Church grounds. The plans state that this is to be a hall and additional facilities for community groups. This part of the plan does not form part of the application as it is outside the "red line" of the application site, although it is within land owned by the applicant, ie. the Church.

The application site is within the ownership of the Church and the BP hut is on land leased from the Church since 1962 at a peppercorn rent. The Hut itself is owned by the Baden Powell organisations. The lease expired in December 2016 and has yet to be renewed.

The Church has put forward a supporting statement, which states:

*“The land is St Edmund’s only financial asset and as a charity it needs to maximise the asset in order to carry out major improvements to the church premises. These are*

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*intended to ensure that the church has a viable on-going and widening community use”.*

Although these proposals do not form part of this application the intention is that these improvements will include disabled access, internal partitioning to provide multiple meeting and activity spaces and storage areas, installation of a lift, extension and upgrading of the kitchen with full catering facilities and the erection of an extension to include a large hall, toilets, storage and an independent entrance area. This will allow the independent simultaneous use of the spaces within the church and the hall.

An emergence and activity bat survey has recently been carried out by a licensed ecologist. This concludes that the proposal would have no potential impact upon bats.

### **2. Relevant Planning History:**

<b>Application No:</b>	DER/08/07/01545	<b>Type:</b>	Full Planning Permission
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	24/10/2007
<b>Description:</b>	Extension to scout hut and formation of access ramp for disabled people		

<b>Application No:</b>	DER/05/92/00489	<b>Type:</b>	Outline Planning Permission
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	05/06/1992
<b>Description:</b>	Residential development		

<b>Application No:</b>	DER/07/77/00895	<b>Type:</b>	Outline Planning Permission
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	10/10/1977
<b>Description:</b>	Erection of 2 semi-detached houses		

<b>Application No:</b>	DER/09/74/00924	<b>Type:</b>	Outline Planning Permission
<b>Decision:</b>	Refused	<b>Date:</b>	28/10/1975
<b>Description:</b>	Erection of 2 dwellings and 10 lock-up garages		

### **3. Publicity:**

Neighbour Notification Letters - 12 letters sent

Site Notice

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

### **4. Representations:**

145 representations have been received to date, 2 are in support and the remainder object to the proposal. Only 2 objections have been received from those residents which directly adjoin the site. Many of the objections refer to personal or family involvement in the Baden Powell movement. There are also representations submitted which question the role and objectives of the Church and the current incumbent. These accusatory comments are clearly not material planning considerations.

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The objections raise the following issues:

- The majority object to the loss of the scout hut and the consequential loss of this community facility, leading to a lack of young person's facilities.
- Concern that the alternative accommodation offered by the Church will be unacceptable, in terms of size, affordability, outdoor recreation space and amount of storage space.
- Concern that there would be no guarantee that the alternative accommodation would be available or that there would be a seamless transition, should the BP hut be removed.
- Concerns that the indicative layout, particularly at the apparent lack of street lighting.
- Concern at the increase in traffic congestion and that the proposed access would be dangerous.
- The proposal would fail to meet two of the Council's key objectives of social integration and supporting young people in safeguarded environments,

Additionally, an on-line petition has been submitted. This was closed with 4,828 signatures.

The Petition submitted, via "change.org", and states:

*"In 1962 a group of local residents clumped together and purchased a wooden hut and they gifted it to scouting and guiding. A peppercorn rent was agreed by the Church and it was placed on the church's land.*

*Thousands of pounds has been spent over the years renovating it including building an extension to the rear for a separate smaller meeting room / cupboard storage area. A large outside storage room for the storage of heavier camping equipment including gas bottles. Later on an extension to the front of the building was fundraiser for so there was better disabled access and indoor toilets. We used to have to go outside in all weathers to a separate toilet block. More recently UPVC doors and windows, insulated roof and new central heating and boiler system has been installed making it fit for purpose for sleepovers and safer for the children.*

*Everything was fine until 2 years ago the Church got a new vicar. It was then decided the Church owned the building and the land, so a lot of time and money was spent proving that scouting and guiding owned the hut but leased the land ..... problem solved No ! The lease had run out so a new lease was drawn up by the Church with several new clauses and a lot more money; we had to let Shelton Lock pre-school use our premises but Church wanted half their rent, we had to pay for the up keep of the car park. So we objected to these clauses and no new lease was agreed and we paid for a continuation at the old rate and terms.*

*At the church's summer fair plans were on public display showing a proposed small development behind the Church with the removal of the scout and guide hut.....no consultation had taken place!*

*The plans for the demolition of the scout and guide hut and the proposed 6 houses are now at Derby City Council planning department. The Church talk of building a*

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*community building afterwards IF they get enough money from the sale of the land - No guarantee and by then the scouting and guiding groups will have disbanded as they have nowhere to go. It is also worth adding the proposed new community building is half the size, has little green space and no storage for heavy tents and camping equipment including gas bottles. The church also talk of a commercial rent to hire the new building; scouting and guiding is a charity and weekly subs will not cover a rent at a business rate”.*

Cllr A Grimadell has recently withdrawn his objection to the application.

The Church has submitted an additional statement, in response to the representations. This is summarised as follows:

*“The St Edmund’s Parochial Church Council has followed a process, involving both community consultation and regular meetings with the BP Executive Committee. The consultation focused upon letting people know about how all the funds raised from the sale of land will be used to develop a new community centre for the whole community. There have been regular, minuted meetings with representatives of the BP Executive Committee.*

*It has always been the position that the BP units will have a home at St Edmund’s if they would like one. The units have never been asked to leave the Church premises. The first consideration of the PCC has been to ensure that the needs of the BP units will be fully met in the new arrangement. The BP will not be asked to remove the hut until the new build is ready. The activities of the BP units will continue with as little interruption as possible.*

*The concerns raised in representations about the adequacy of the proposed new premises are unfounded. The BP representatives who attended a meeting with the Church’s architect, appeared to agree that the Church’s proposals could meet all their needs, in the following ways:*

- The size of the proposed extension is 275 sq m, which is comparable with the current BP meeting space, but a squarer shape.*
- The extension will have built in storage for BP equipment. There will also be new, built in storage in the gallery area of the church. There is storage in the old boiler room. There will also be the possibility of external storage for outdoor equipment and gas canisters.*
- In addition to the extension, the groups will also have access to a much bigger kitchen than their present one, a cafe area, and separate 'break out' meeting spaces for group and committee work.*
- In addition, the internal reordering of the church will also mean the possibility of using the nave for large activities, sleepovers etc.*
- There will also be a safe play area and green space behind the premises for the BPs to continue their activities outside.*
- The rental arrangements in the new premises will be according to use and purpose. For “not for profit” community groups, such as the BP units, there will be a charge comparable to other community centres. For regular users this will be at a weekly/monthly/termly/annual rate rather than per hour.*

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- *The new premises will have a Premises Committee chaired by the Facilities Manager (an employee of the new premises) comprising representatives from the regular user groups”.*

### **5. Consultations:**

#### **5.1. Planning Policy Comments:**

There are no specific Local Plan allocations covering the application site. However, the site is classed as open space in the Council’s Open Space Study and forms part of the City’s Green Infrastructure network.

In this instance, given the open space designation and the primary use of the building, Policies CP16: Green Infrastructure and CP21: Community Facilities are the primary policy considerations.

#### **Comments**

The Derby City Local Plan Part 1 (DCLP1), Policy CP21: Community Facilities recognises the importance the provision of community facilities plays in creating thriving communities. In this instance, criterion (a) is applicable; briefly, it states that the Council will support the retention of existing facilities unless it can be demonstrated that there is no longer a need to retain the use or alternative provision is made.

The applicant’s Planning Statement indicates that this is a well-used community facility. The Statement continues by indicating that, although not part of this application, it is their intention to provide a new facility in the future which will serve the whole community. It is also their goal to ensure that the replacement facility will be ready for use by the time the existing hut is removed. However, the replacement facility does not form part of this application and there is no concrete evidence, apart from their stated intention to accept a condition ensuring a new facility is provided before the demolition of the existing hut. You may consider that the applicant’s intentions ensure compliance with the policy but, at the present time, I see no compelling evidence to suggest this. Therefore, based on the information presented to me I consider that the application does not comply with the requirements of Policy CP21, criterion (a).

Policy CP16 seeks to maintain, enhance and manage the City’s Green Infrastructure network. Paragraph 5.16.1 lists all the elements which make up the GI network and cemeteries and graveyards are included in the list of typologies. Criterion (m) is of relevance in this instance, it states that the Council will ensure that:

*“where new development has an adverse impact on a recognised important element of green infrastructure, that impact should be clearly understood, minimised and any residual adverse impacts mitigated for. As a last resort, the impact should be compensated for, either on-site or off-site. Any opportunities for enhancement and better management of the asset through development should be sought. In assessing the impact of the development, its need and benefit will be weighed against the harm caused to the green infrastructure.”*

The applicant has indicated that the majority of the trees will be retained and protected and that development will only result in the removal of a row of mature Leylandii trees. Input from the Council’s Natural Environment Team is essential to

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ensure that the mitigation measures proposed by the applicant are suitable. Further consideration needs to be given to determine if the construction of six dwellings outweighs the loss of the GI provision. Our latest AMR indicates that we have a five year housing supply; therefore it would be difficult to conclude that the benefit of providing six dwellings outweighs the harm on the GI network.

Detailed design of the development will be dealt with through reserved matters and it is at this stage where the overall impact of the development will be assessed. However, given the proximity of a number of residential properties to the south and east of the proposed houses, consideration of the impact on the amenity of the residents is paramount. CDLPR Policy GD5 seeks to ensure that development will not detract from the amenity of nearby land and property. The policy provides seven criteria which will need to be considered.

Policy CP3 seeks to ensure a high quality design in all new development. In addition, Policy CP4 requires that all new development makes a positive contribution towards the character, distinctiveness and identity of the City's neighbourhoods. In determining this application you will need to ensure that, given the proximity of a number of residential properties and the church, the proposal meets the requirements of both policies.

The applicant highlights in the Design and Access Statement, the steps taken to integrate the development into the surrounding area. In determining the application, you need to ensure that the development meets the four objectives set out in the CDLPR, Policy E17.

### **Conclusion**

Whilst there is a need to provide new housing to help meet Derby's unmet need, there is a requirement to protect the City's community facilities. Policy CP21 seeks to ensure that any loss of community facility is justified or will be replaced by an alternative facility. In this instance the applicant has indicated that a replacement facility will be provided but this does not form part of this application. I consider that there is insufficient evidence for me to look on this application more positively and, in this case, I consider that the application does not accord with the requirements of CP21(a).

The site is also considered to form part of the City's green infrastructure network and as such, policy CP16 should be considered. The applicant has taken steps to protect the majority of the trees on-site but, given the Council currently has a five-year supply, it would be difficult to conclude that the benefits provided by the development outweigh the harm to the GI network.

In conclusion, the cumulative effect of the loss of a well-used community facility without any detailed proposals for a replacement and the harmful impact on part of the City's GI network leads me to conclude that there is a conflict with policies in the Derby City Local Plan Part 1.



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### **5.2. Highways Development Control:**

The application is outline, with all matters reserved. This response is based upon the details shown on indicative plan "00139-A.01.5".

In principle, the Highway Authority is satisfied that the proposals will not have a significant impact upon the adjacent highway network.

The site appears higher than the surrounding highway and is shown in a satisfactory location to be able to achieve 2.4m x 43m visibility splays.

The indicative plan is drawn to suitable dimensions to be able to form an acceptable access; however, the applicant should take into account the following:-

For avoidance of doubt the layout shown would not be suitable for adoption and subsequent maintenance at the public expense; thus it would be a private drive.

The applicant should be aware that the Council does not generally carry out refuse collections within private drives (this does not preclude private collections), and it will therefore be necessary (at submission of details stage) to make provision of a suitable refuse collection point nearby (but not on) the adjacent public highway.

The council would normally urge developers with developments of more than 5 dwellings to create a layout which is to an adoptable standard; for further design details and information upon adoptable standards, the applicant is referred to details and information contained within the 6C's Design Guide (6C's) and would entail alterations to the layout as shown.

Should the applicant wish to make the development suitable for the councils refuse vehicles; the Council uses a "Phoenix 223 W" refuse vehicle", therefore vehicle tracking information should be provided using such a vehicle.

The applicant is also advised that given the size of the proposed development, the Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected.

It is an offence under section 163 of the Highways Act 1980 for the applicant/developer to allow their development to drain onto the adjacent highway, it will therefore be necessary for a suitable design to be advanced to prevent this occurrence.

#### **Recommendation:**

The Highway Authority has No Objections to the proposals, subject to the following suggested conditions:-

#### **Condition:**

The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters.)

#### **Reason:**

In the interests of Highway safety.

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### **5.3. Natural Environment (Tree Officer):**

No adverse comments received.

### **5.4. Derbyshire Wildlife Trust:**

Comments awaited with respect to the recently undertaken bat emergence and activity survey.

## **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
- CP3 Place making Principles
- CP4 Character and Context
- CP6 Housing delivery
- CP14 Tourism, Culture and Leisure
- CP16 Green Infrastructure
- CP17 Public Green Space
- CP19 Biodiversity
- CP21 Community Facilities
- CP23 Delivering a Sustainable Transport Network

### **Saved CDLPR Policies**

- GD5 Amenity
- H13 Residential Development (general criteria)
- E17 Landscaping schemes
- E24 Community Safety
- E25 Building Security Measures

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](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>

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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.

#### **7.1. The key balancing exercise.**

#### **7.2. The loss of the Baden Powell Hut**

#### **7.3. The loss of the green infrastructure**

#### **7.4. The principle of Residential Development**

#### **7.5. Detailed issues of the layout, including design and amenity**

#### **7.6. Highways, access and parking**

#### **7.7. Other environmental issues**

#### **7.1. The key balancing exercise.**

Whilst there is a need to provide new housing to help meet Derby's unmet need, there is a requirement to protect both the City's community facilities and green infrastructure. The Council's current five-year housing supply must be weighed alongside any community or environmental harm.

Core Strategy Policy CP21 seeks to ensure that any loss of community facility is justified or will be replaced by an alternative facility. Similarly Core Strategy CP16 seeks to ensure that where new development has an adverse impact on green infrastructure, any impact should be clearly understood, minimised and mitigated.

#### **7.2 The loss of the Baden Powell Hut**

This concern has become a significantly emotive consideration of the application. The details of the objections and the petition are set out above. It must be stated that many of the representations submitted appear unaware of the full facts and this had led to a very negative and accusatory campaign of objection.

It is acknowledged that the Baden Powell organisations want to maintain their independence and ideally the status quo. However, it must similarly be acknowledged that the BP hut is located on Church land and that their lease has expired.

In line with many institutions, the Church has to ensure financial stability and has set out their business plan for improvements to the Church building, which also includes the provision of a multi-user community facility. The Church are aware of the concerns raised by the BP organisations and have tried to ensure that these are accommodated.

It must also be appreciated that the BP hut is not a fully inclusive community facility. It is primarily used in the evenings and is not used by other community groups. The

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Church's alternative would improve this and the proposed extension would appear to be more in line with Core strategy Policy CP21, which seeks to provide City-wide, high quality, accessible and inclusive facilities and services for the community.

The Church has referred to a phasing scheme relating to the construction of the houses and the replacement accommodation. However, although proposed, the replacement has not even been the subject of a planning application. There is a clear need to ensure that the replacement hall and improved Church facilities are available prior to the BP hut being removed.

It is considered that this could be the subject of a Grampian-style planning condition, which would restrict the removal of the BP hut until such time that the Church extension (or some other alternative community facility) has been implemented and be made available for use. Subject to the imposition of such a condition, it is considered that the removal of the BP hut cannot be opposed in planning terms.

### **7.3. The loss of the green infrastructure**

The site is classed as open space in the Council's Open Space Study and forms part of the City's Green Infrastructure network. Core Strategy Policy CP16 lists "cemeteries and graveyards" as part of the network and seeks to maintain, enhance and manage the City's Green Infrastructure network.

The proposal indicates that the majority of the trees will be retained and protected and that the development will only result in the removal of a row of mature Leylandii trees within the site. An arboricultural report was submitted, which recommends appropriate protection measures. The existing vegetation separating the houses in Queensferry Gardens would be retained and a new hedge would be provided as a boundary to the Church. Comments of the tree officer are awaited.

The application site consists of part of the vicarage garden and part of the Church grounds, comprising an area of open, overgrown land and the land surrounding the BP hut. Notwithstanding the Planning Policy comments, the site is neither a cemetery nor a graveyard. Although identified as part of the green infrastructure network, none of the site includes land which is publicly accessible or used for public recreational use. In any respect, there is a 0.7ha area of recreational open space only 20m southeast of the site.

It is accepted that the site forms part of the City's green infrastructure network and must be assessed against Core Strategy Policy CP16. However, the applicant has taken steps to protect the majority of the trees on-site and to provide additional planting. Additionally, the wider proposal makes provision for accessible community open space, as part of the replacement accommodation. On balance, it is considered that the site has minimal "green" value. As the proposal also includes both mitigation and improvement measures, it is considered that the principle of 6 dwellings would outweigh any marginal "green" losses and would be acceptable.

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### **7.4. The principle of Residential Development**

The site is not allocated for any specific purpose within the adopted Core Strategy or Local Plan. It is situated in a highly sustainable residential area, with good access to public transport links, close to a local centre. The development provides an opportunity to deliver up to six new dwellings contributing towards the City's supply of housing. The principle of siting new residential development in this location would be in accordance with the Government's housing growth strategy and with Core Strategy CP6.

### **7.5. Detailed issues of the layout, including design and amenity**

The proposed layout is purely indicative at present, as all matters are reserved for future approval. However, the indicative plans appear to show that the site has the capacity to accommodate this amount of development. The proposed 6 dwellings would have sufficient parking and amenity space and there would appear to be sufficient space around the dwellings to ensure no overlooking or loss of amenity.

### **7.6. Highways, access and parking**

Any reserved matters application will need to submit full details of the access, parking, drainage and street lighting. No objections in principle have been raised by the highways officer. Subject to the imposition of appropriate conditions, it is considered that there should be no highway safety concerns.

### **7.7. Other environmental issues**

As the proposal includes the removal of the BP hut, an ecology survey was undertaken. No evidence of roosting bats or bat-use was found during the inspection. The scout hut was deemed to be of low/negligible potential of supporting roosting bats but follow-up surveys are recommended. An emergence and activity bat survey has recently been carried out by a licensed ecologist. This concludes that the proposal would have no potential impact upon bats. Comments of the Wildlife Trust are awaited. A precautionary approach has been recommended if construction works commence during the bird breeding season. There was no evidence or habitats associated with other protected species identified.

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

### **8.1. Recommendation:**

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

### **8.2. Summary of reasons:**

The proposed dwellings are considered acceptable, the housing growth outweighing other concerns relating to the loss of green space. The loss of the Baden Powell hut is compensated by the provision of alternative multi-user community accommodation and this relationship is controlled by way of an appropriate condition. The indicative plans show that the site has the capacity to accommodate this amount of development with sufficient parking and amenity space and no likely loss of residential amenity. No highways or environmental concerns have been raised.

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### **8.3. Conditions:**

1. Standard condition (reserved matters time limits)
2. Standard condition (submission of reserved matters)
3. Standard condition (approved plans)
4. Standard condition (details of external materials to be agreed)
5. Standard condition (details of boundary treatment to be agreed)
6. Standard condition (details of landscaping to be agreed)
7. The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters.)
8. Tree protection scheme to be submitted for trees and hedges to be retained and agreed in accordance with BS 5837:2012 and implemented before development commences.
9. All drives and parking areas to be surfaced in hard bound material a minimum 5 metres from the highway and drained with provision to prevent discharge of surface water onto public highway.
10. Parking and turning areas to be provided before development is brought into use.
11. Details of a wildlife enhancement strategy to be submitted and agreed to include bird and bat nesting features and hedgehog holes in boundaries.
12. No development shall be commenced until details of the phasing of the proposed works (including the construction of the dwellings, the extension to the Church, the provision of accessible community open space and the demolition of the existing Baden Powell Hut) have been submitted to and approved in writing by the LPA. The construction works shall thereafter be carried out wholly in accordance with the phasing details. The BP Hut shall not be demolished or removed from the site until the Church extension (or some other alternative community facility) and the accessible community open space has been implemented and made available for use.

### **8.4. Reasons:**

1. Statutory time limit.
2. Statutory reserved matters details.
3. For avoidance of doubt.
4. To ensure satisfactory appearance of the development.
5. To ensure a satisfactory appearance of the development in interests of visual amenity
6. To ensure a satisfactory appearance of the development in interests of visual Amenity

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7. In the interests of Highway safety.
8. To ensure protection of trees before and during construction
9. To prevent discharge of surface water onto highway in interest of highway safety.
10. To ensure provision of parking and turning on site and prevent obstruction of highway.
11. To enhance biodiversity on the site
12. To safeguard the existing community facilities on the site.

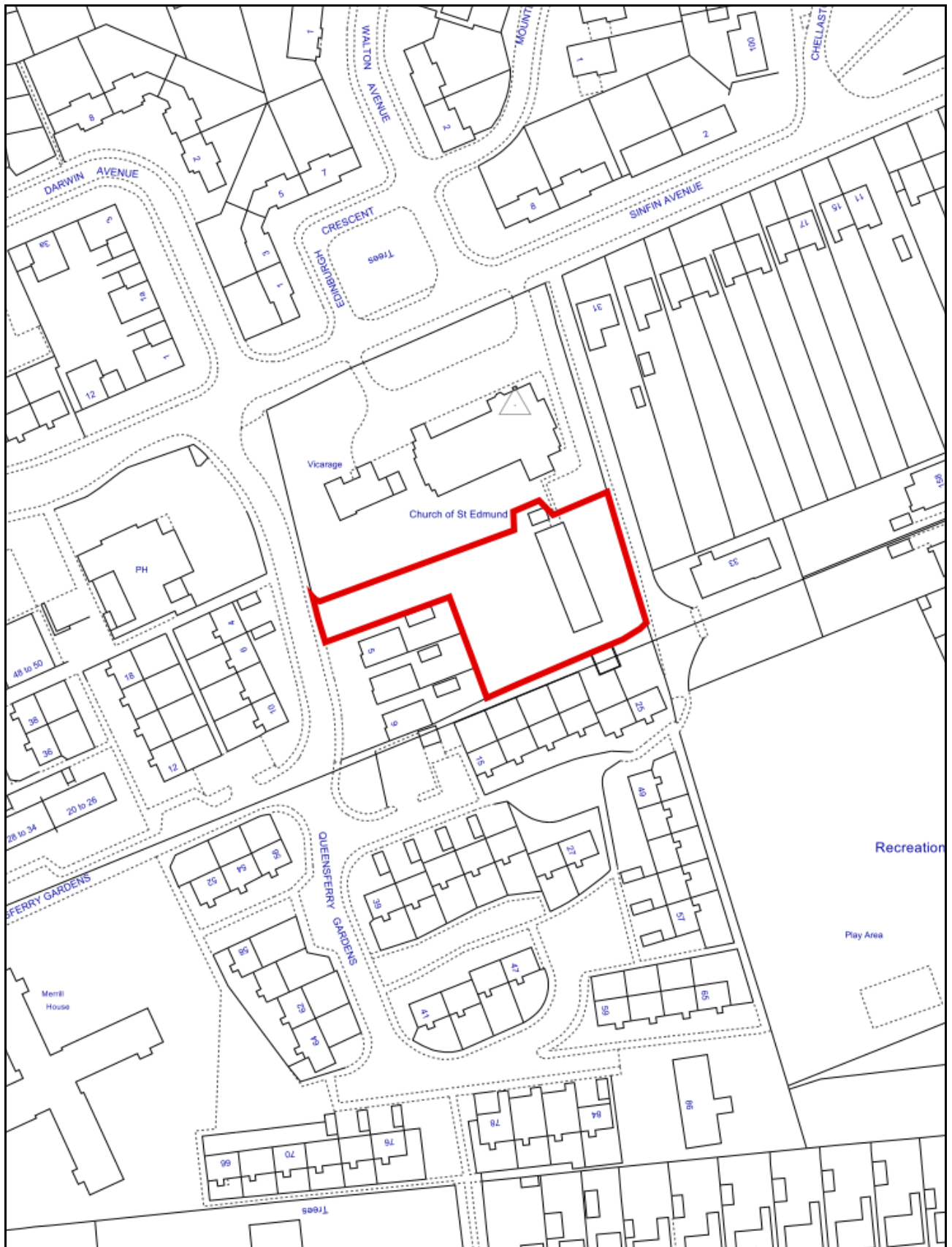
**8.7. Application timescale:**

An extension of time has been agreed with the applicant until 8 June 2018.

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**Type: Outline Planning  
Permission**





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

**Application No: DER/06/17/00810**

**Type: Reserved  
Matters**

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### **1. Application Details**

**1.1. Address:** Land at the side and rear of The Hill, 402 Duffield Road.

**1.2. Ward:** Darley

**1.3. Proposal:**

Residential Development (up to four dwellings) – approval of Reserved Matters of appearance, landscaping, layout and scale under outline permission code reference DER/11/15/01348

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/06/17/00810>

**Brief description**

The application site covers an area of approximately 0.36Ha on the eastern side of Duffield Road. The site is located within the established residential area of Darley Abbey predominantly characterised by detached dwellings, set within generous garden plots. The site also lies within the World Heritage Site buffer zone.

The application site is flanked on three sides (the north, south and east) by residential properties. To the south is Thatch Close, a modern residential cul-de-sac, and to the east the site backs onto the mature garden areas of properties along Church Lane and Friars Close. To the west the site has a frontage to Duffield Road, along which is a tree lined embankment. Land levels slope from west to east with a drop of approximately 2.5m from the west to the east curtilage boundary. One very large detached dwelling currently occupies the site which benefits from a mature garden setting containing a substantial number of mature trees and extensive landscaped areas.

The application site contains trees protected by a Tree Preservation Order (Order Number 526). The Order covers a group of 8 limes (G4 & G5) situated either side of the access along Duffield Road. Another linear group occupy a central section along the northern boundary, adjacent to No.404. These are 2 Limes, 1 Larch, 1 Birch and 1 Horse Chestnut (G3). Along the eastern boundary toward the northern corner is a linear group of 8 Lime trees (G2). Beyond the southern boundary, occupied by no. 398, is a group wide Tree Preservation Order Number 212.

The site is accessed off Duffield Road and is served by a dropped kerb private driveway at Duffield Road, located near the southern end of the site frontage. The existing access measures approximately 3.8m wide and is bound by ornamental walling.

The application is accompanied by supporting documents including a Design and Access Statement, Highway Assessment Report; Arboricultural Survey Report and topographic survey.

**Proposal**

The application seeks permission for reserved matters of layout, appearance, landscaping and scale for 4 dwellings. Means of access have been approved under the outline permission. The proposed layout of dwellings would be arranged around a

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

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new private driveway of approximately 65metres in length and 5metres in width. The detached dwellings would be orientated to face the interior of the site, with plots 2, 3 and 4 containing detached garages. They are all two storey in scale.

Plot 1 would measure 14m width by 11.4m depth and 9.1m height. It would contain a pitched roof design with dual gables to its front and a large gable to the rear elevation.

Plot 2 would measure 13.4m width by 12m depth and 9.1m height. Similarly to plot 1, it would contain a pitched roof design with dual gables to its front and a large gable to the rear elevation. The associated double garage would be 6.4m by 7m with pitched roof profiles.

Plot 3 would measure 11.8m depth, 9.1m height and 14m width. Again, the design is consistent with the other plots, containing would contain a pitched roof design with dual gables to its front and a large gable to the rear elevation. The associated double garage would measure 7m by 7m.

Plot 4 would measure 17.4m in width, 11m in depth and 9.1m height. A central gable feature would be constructed to the front elevation and a hipped roof design. The associated garage would be located to the west side of the property, measuring 7m by 7m.

## **2. Relevant Planning History:**

<b>Application No:</b>	11/15/01348	<b>Type:</b>	Outline
<b>Decision:</b>	Granted outline permission	<b>Date:</b>	19/04/2016
<b>Description:</b>	Residential development for 4 dwellings (with access)		
<b>Application No:</b>	04/08/00696	<b>Type:</b>	Full
<b>Decision:</b>	Application withdrawn	<b>Date:</b>	29/07/2008
<b>Description:</b>	Demolition of 398 and 402 Duffield Road and erection of 14 dwellings and formation of vehicular access		
<b>Application No:</b>	03/03/00506	<b>Type:</b>	Full
<b>Decision:</b>	Granted	<b>Date:</b>	30/04/2003
<b>Description:</b>	Extension to dwelling		
<b>Application No:</b>	07/92/00838	<b>Type:</b>	Full
<b>Decision:</b>	Granted	<b>Date:</b>	
<b>Description:</b>	Extension to domestic garage and re-siting of vehicular access		

## **3. Publicity:**

Neighbour Notification Letters – 5 households

Site Notice on surrounding street furniture

*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 22 objections have been received. The main points raised include:

- Plot 4 would overlook the neighbouring dwelling 'The Wilderness'
- Plots 2 and 3 threatens the protected lime trees including roots and branches as house would be built up to RPA
- The Poplar and Lime trees would tower over plots 2 and 3, shadowed by the sun in the morning and buildings during the afternoon
- No expert tree evidence filed to ensure layout will not result in harm to the tree roots
- Tree branches will come under pressure to be pruned to remove morning shading to the back garden in plot 2
- Plot 1 increased its footprint
- Natural environment officer objection comments
- It should be 3 houses maximum
- Significant shading to plot, resulting in branches being lost
- Plot 1 moved further towards the exterior of the site and nearer valuable "B" category trees
- If allowed the character of Darley Abbey would be eroded
- Major surface water run-off and this would flood properties lying downhill
- Plot 2 allows for no future growth of lime trees
- Concerns over accuracy of tree report information and height of important trees
- The applicants tree report underestimates the RPA of the trees because it underestimates the diameter of the stems
- Tree report underestimates height of lime trees which are nearer 17m rather than 14m
- Loss of amenity to plot 1 because of proximity to No.402
- Out of character with locality
- Implication is 402 will be re-developed, but a long term view is required.
- Increased drainage issues as a result of the development.
- Proximity of tree roots to plot will cause subsidence resulting in pressure to seek to reduce or remove protected trees
- Additional congestion on Duffield Road
- Nature of the village being compromised

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### **5. Consultations:**

#### **5.1. Highways Development Control:**

In highway terms, access has already been determined as part of the outline consent; the proposal make no apparent change to that consent. No informatives were added to the Highway Authority response. No objection to the proposals.

#### **5.2. Natural Environment (Tree Officer):**

Comments in response to updated arboricultural report:

The Arboricultural Impact Assessment submitted is a well-produced, clear assessment which has addressed the issues as highlighted by the previous report. No objections subject to report recommendations being followed.

#### **5.3. Derbyshire Wildlife Trust:**

The field survey was undertaken on 24th May 2017 and was supported by a desk study which is welcomed. May is an appropriate time of year for undertaking this type of survey work. It is understood that the site is an existing garden with associated mature trees and amenity grassland. The site is identified as having suitable habitat to support nesting birds, foraging bats and hedgehog. The pond on site is not considered to provide suitable breeding habitat for great crested newt and the buildings that will be removed as part of the development are not assessed as providing suitable bat roosting habitat. It is considered that adequate survey work has been undertaken.

It is recommended that if possible as part of this reserved matters application that in line with Paragraph 118 of the NPPF that “opportunities to incorporate biodiversity in and around developments should be encouraged”, and that the recommendations set out within Section 5 of the ecology report should be implemented in full and that additional enhancement opportunities such as the incorporation of bird and bat boxes into new properties and the creation of hedgehog holes in fences should be implemented.

#### **5.4. Built Environment:**

Nothing to add to previous comments already made at outline stage.

### **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)

CP3 Placemaking Principles  
CP4 Character and Context  
CP16 Green Infrastructure

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CP20 Historic Environment  
CP23 Delivering a Sustainable Transport Network  
AC9 Derwent Valley Mills World Heritage Site

### **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](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%2017.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.

#### **7.1. Policy Context**

#### **7.2. Design - Appearance, landscaping, layout and scale**

#### **7.3. Residential amenity**

#### **7.4. Highway Impacts**

#### **7.5. Trees and Ecology**

### **7.1. Policy context**

This is a site currently in residential use within an established residential area and, as such, the proposed residential development will need to meet the general design and layout criteria set out in Local Plan saved policy H13, and adopted policies CP3 and CP4. An extant outline permission exists which secured consent for up to 4 dwellings, so the principle of residential development in this location has already been accepted. In principle, it is therefore a suitable location for residential development.

This site is within the World Heritage Site Buffer Zone and under Policy AC9, the proposals should not have an adverse effect upon the setting and significance of the

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World Heritage Site. Due to the secluded physical setting of the proposed development, it would not, in my opinion, be visible from or affect the special character or integrity of the nearby the World Heritage Site.

### **7.2. Design - Appearance, landscaping, layout and scale**

The application seeks reserved matters approval for layout, scale, landscaping and appearance of the proposed residential development.

The 4 detached dwellings would be arranged around a private drive to the side and rear of the existing dwelling (No.402). It would be an inward looking arrangement with four individual design detached house types. The retention of mature trees along the Duffield Road frontage in particular means that the scheme would be largely screened from the street and not have a significant impact on the visual amenities of Duffield Road, which is characterised by substantial tree cover, with dwellings set back some distance from the road.

The two storey scale and traditional form of the proposed house types would be appropriate in this residential context. Three of the dwellings would present dual front projecting gables to the principal elevation, with bay window features, chimney stack and materials detailing, to create a high quality external form. The dwelling on Plot 4 would be more elongated in its proportions, hipped roof profile, a single central front projecting gable and twin bay fronted windows. The west side flank wall facing Duffield Road includes a chimney feature and window arrangement, which serves to create some visual interest to the side flank. While the side aspect would be approximately 30m from Duffield Road, much of the dwelling would be screened by the garage and bin store. The orientation and layout of the dwellings give a good composition of the housing scheme with established groups of trees upon the rear boundary which make positive contribution to the character of the development and providing good visual screening from nearby properties to the east of the site.

An existing mature hedge runs along the southern boundary that would provide landscaped screening, but a 2.1m fence is annotated on the site plan. Thus, a means of enclosure condition for the development and to secure hedge retention would be applied.

Given the orientation and siting of the dwellings within the site and the traditional approach to the building design, the proposal would achieve a high quality form of residential development with the 4 proposed dwellings and 3 detached garages, which would not have a significant visual impact on the Duffield Road streetscene. It is considered to be a suitable form of residential development in this sustainable location, which would be in keeping with the character and urban grain of the surrounding area in line with design criteria in saved policy H13 and adopted policies CP3 and CP4.

### **7.3. Highway impacts**

Under the outline permission, means of access from Duffield Road has been approved and there is no deviation from the approved position, width and geometry of the access road. As shown on the layout plan, the width of the proposed vehicle access into the development site at 5metres is sufficient to allow for safe entry/exit of passing vehicles into and out of the site. It is considered that the proposed linear

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design of the private access road, including the geometry of the turning head is practicable, for manouvering and turning of vehicles. The access to the site would utilise the existing drive access which currently serves No.402. While the proposed scheme would intensify the use of the enlarged access with Duffield Road, the proposed internal road layout would be private and is considered acceptable in terms of highway safety and traffic generation.

Appropriate parking provision is given for each of the four plots, with all of them providing double garage space and parking and turning within the curtilage. The Highways Officer has not raised any issue with the proposed parking arrangement, which would not impact on the public highway. The requirements of Policy CP23 are therefore adequately met.

### **7.4. Residential amenity**

With regard to the impact of the scheme on the amenities of neighbouring residents, the immediate surrounding dwellings are most likely to be effected – No's 398, 404 Duffield Road, No's 18a Church Lane and 8 Friars Close.

Firstly, No. 398 is a substantial two storey property located directly adjacent to the southern boundary, set within with an extensive rear garden. Plots 4 and plot 3 would be sited north of the common boundary to No.398. In particular, plot 4 would be the nearest to the above neighbouring dwelling. I note the overall building height measures approximately 9.6m and the rear elevation would be set in approx. 7 metres from the common boundary, as seem from the rear aspect of No.398. At its nearest corner point the dwelling comprising plot 4 would be approximately 14m from the nearest building edge of No.398, but at a 90 degree angle from the rear elevation of that building. The rear of plot 4 would have three windows at first floor (bathroom, study and dressing room) which are secondary openings and conditions can be imposed to avoid unreasonable loss of privacy, to secure obscure glazing to those windows. In my opinion, such a built relationship would be acceptable. This is because the distance and orientation of plot 4, with principal windows on sides and front elevations and extensive the rear garden to No.398 means plot 4 would not be overbearing or physically oppressive in massing terms. There is also scope to retain, the existing mature evergreen hedge along the southern boundary, which would provide additional soft screening form the adjoining residential curtilage. In respect of plot 3, the dwelling would be approx. 9.5 metres from the common boundary with No.398. I am satisfied that due to the distance and orientation of the building which is primarily east-west facing, that no overlooking issues would occur, again subject to obscure glazing of first floor bathroom window.

No.404 Duffield Road is situated directly to the north of the application site and is set within mature grounds. Plots 1 and 2 would be the nearest dwellings with their rear aspects some 10m from the common boundary. At its nearest corner point the dwelling comprising plot 1 would be approximately 26m from the nearest building edge of No.404. Such a distance and the extent of intervening mature landscaping, comprising a number of mature trees screen much of the common boundary, so the interface between the rear aspects of proposed plots 1 and 2 and No.404 would not result in significant massing effects or loss of privacy.

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The properties lie beyond the eastern boundary (8 Friars Close and 18a Church Lane) of the application site. Importantly, the entire east boundary is covered by mature trees and vegetation that screens much of the eastern boundary. A group of Poplar trees and TPO Lime trees with hedging amongst those trees act as the means of enclosure for the site and provide dense screening for the adjacent properties. All 9 Lime trees are within the application site and 12 Poplars are upon the adjoining site. Although deciduous in nature, the proliferation of them means their column like stature and lower level branches, even when not in leaf, would still provide a reasonable degree of screening between plots 2 and 3 and those properties beyond the east boundary.

I am satisfied that no substantive overlooking would be created by the orientation of Plots 2 and 3 in respect of 18a Church Lane, as the rear elevations of both dwellings would be approximately 31.5m from the rear elevation of 18a. As for No.8 Friars Close, while the rear elevation of plot 3 would orientate toward the rear aspect of No.8, the 27m distance from building to building and extent of tree coverage along the common boundary (tree stems within the curtilage of No.8) means the built relationship would be reasonable and no unreasonable overlooking would result.

The internal layout of the scheme is entirely satisfactory as the four plots are situated with sufficient distances between each other and orientated so overlooking or massing affects would be kept to a minimum. There is adequate rear/side garden space for all the proposed dwellings, with varying garden depths dependent on plot size. There is likely to be some degree of shading created by the boundary trees upon plots 2 and 3, which may lead to post development pressure for pruning works to those protected trees. However, any works to the protected trees would be subject to and controlled by any future TPO applications. Plot 2 is perhaps the most affected by shading from both the curtilage trees and vegetation and the close position of plot 2, yet the proposed dwelling would have sufficient space around it not to be unduly dominated by plot 2 and nearby trees.

### **7.5. Trees and Ecology**

The application site is a mature garden with numerous groups of trees along the curtilage boundaries and the site interior. Tree Preservation Order No.526 protects a number of trees on the site. The submission includes an updated (March 2018) Arboricultural Implications Assessment that identifies both the protected and non-protected trees and confirms the tree measurements, positions, species and condition. To facilitate the proposed development a number of non-protected ornamental and smaller trees and some B and C category trees are proposed to be removed. Tree numbers 18-23 to the northern end of the site and trees 40-56 toward the south east corner are a mix of tree species of mainly either 'B' or 'C' condition category trees. Tree numbers 61-64 are near to the southern boundary and mainly C category trees. While cumulatively these trees contribute to the mature setting of the site, due to their unprotected status, no objection is raised to the loss of the various unprotected trees within the site.

The tree Group identified as 4 and 5 include a group of 8 Lime trees along the frontage embankment adjacent to the public footpath along Duffield Road. In order to achieve the proposed 55 metre visibility splay and 1 metre pedestrian visibility splay



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there will be requirement to lift the canopy of some trees/shrubs to the north which are not protected, there would be no impact on the Root Protection Area of the protected Lime trees fronting 402 Duffield Road.

In relation to the proposed private access road to be formed into the site, the Root Protection Area of the protected Lime tree to the south of the existing drive would be affected. The Council Tree Officer considers this is a lower quality tree than specified in the submitted tree report and its removal and replacement would be an acceptable solution, in this instance. The tree's low amenity value and limited health (extensive pollarding and rot cavity undermining on of the main stems) should be considered and on this basis its removal would be justified.

The proposed dwelling in the north east corner on plot 2 would be positioned near to the linear group of 6 protected Lime trees (24-29) and close to the margins of the Root Protection Area and canopy spread of these trees. The submitted Arboricultural Impact Assessment report correctly identifies the root area, canopy spread and tree height of all the assessed trees. The nearest building edge of plot 2 to the stem of tree 27 is approximately 8m and approximately 1.5m from its branch spread. Yet subject to suitable tree protection measures, being in place before and during construction works, plot 2 would not in my view adversely impact the nearby group of protected trees.

The updated layout plan (May 2018) denotes the root protection area of the east boundary trees which indicates both plots 2 and 3 would not encroach within this zone of root protection. The protected trees, group 3, along the northern boundary are at a sufficient distance away from plots 1 and 2 so the root protection area and canopies would not be adversely affected. Nevertheless, there is likely to be some degree of shading created by the boundary trees upon plots 2 and 3, which may lead to post development pressure for pruning works to those trees. However, any works to the protected trees would be subject to and controlled by any future separate tree application.

### **Ecology**

A preliminary ecological appraisal / habitat survey was submitted to establish ecological implications. The site was considered to provide suitable habitat for the following protected/notable species: foraging bats, nesting and foraging birds, foraging or commuting hedgehog. A number of mitigation, compensation and enhancement measures are recommended and I note Derbyshire Wildlife Trust do not raise objection and consequently ecological implications are deemed negligible.

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

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

### **8.2. Summary of reasons:**

This Reserved Matters application for the proposed development at the rear of 402 Duffield Road for four dwellings would be acceptable in terms of the scheme layout, appearance and scale of dwellings, and landscaping arrangement. The layout would achieve a satisfactory form of development that would integrate reasonably well in

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this mature residential setting and the wider residential locality. In terms of the implications for residential amenity, highways, trees and ecology as considered in section 7 of the report, the proposed development would not result in any significant adverse effects.

### **8.3. Conditions:**

1. Standard condition 100 (list of approved plans)
2. Standard condition 27 (materials)
3. Standard condition 19 (means of enclosure)
4. Standard condition 24 (Tree and vegetation –protection from construction)
5. Standard condition 30 (surfaces to be drained)
6. The existing mature hedgerows on the southern boundary to the site shall be retained and protected during the construction of the development
7. Obscure glazing to plot 4 rear first floor windows
8. Re-use of material from boundary wall

### **8.4. Reasons:**

1. Standard reason E04 (avoidance of doubt)
2. Standard reason E14 (external appearance)
3. Standard reason E08 (satisfactory appearance)
4. Standard reason E24
5. Standard reason E07
6. Standard reason E07
7. Standard reason E07
8. Standard reason E14

### **8.5. Informative Notes:**

N1. The development makes it necessary to improve a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact StreetPride at Derby City Council to apply for a vehicle access under Section 184 of the Highways Act 1980 (as amended) to arrange for these works to be carried out. Contact [maintenance.highways@derby.gov.uk](mailto:maintenance.highways@derby.gov.uk) Tel. 03332 006981

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](mailto:traffic.management@derby.gov.uk) with the number of the approved planning

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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.

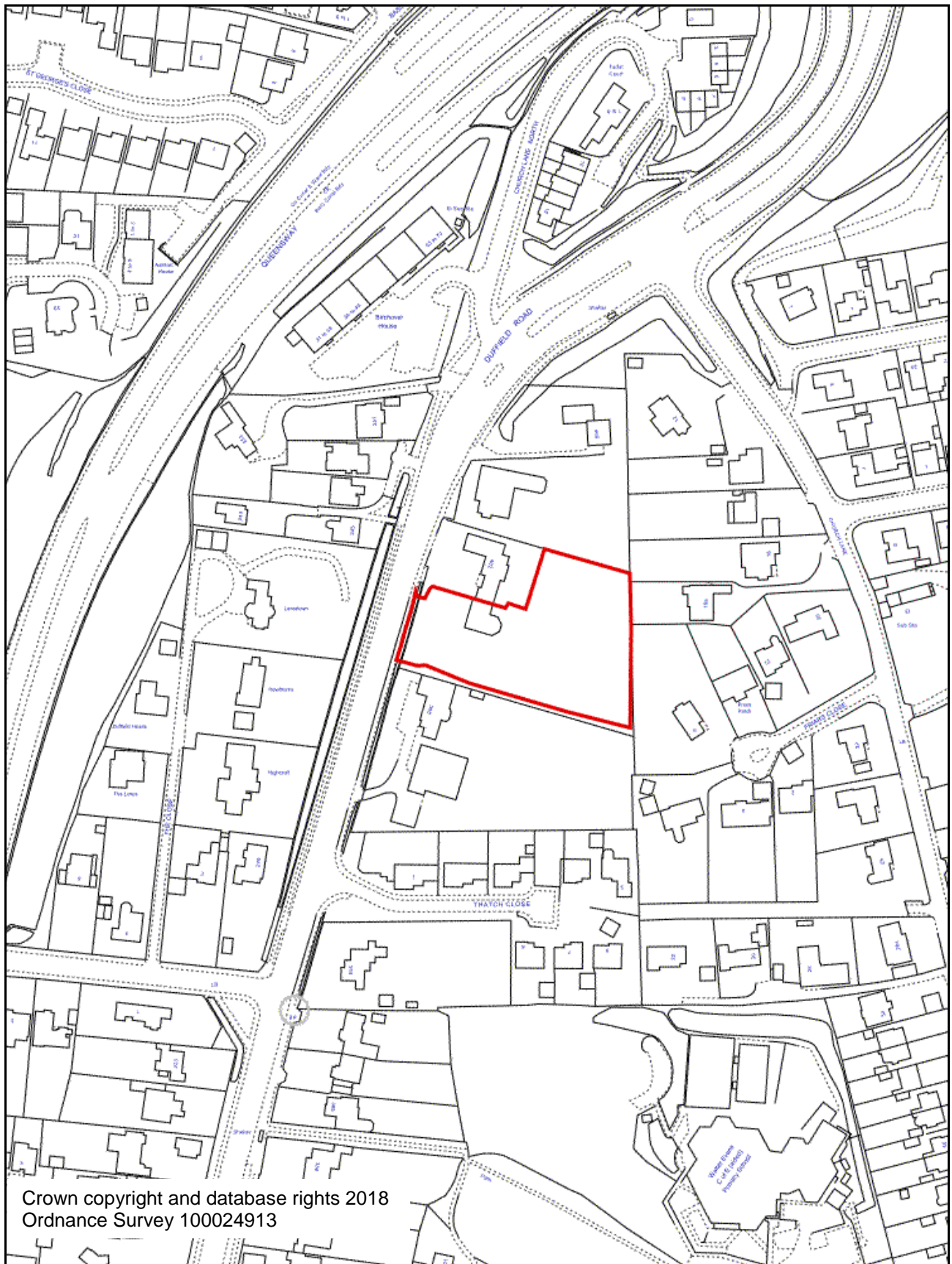
**8.6. Application timescale:**

The target date for decision was on the 17 August 2017 and an extension of time will be agreed for determination of the application.

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

**Application No: DER/11/17/01446**

**Type: Full Planning  
Permission**

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### **1. Application Details**

**1.1. Address:** Site of 36 Agard Street, Derby

**1.2. Ward:** Darley

**1.3. Proposal:**

Erection of an 8-storey building of 77 flats and associated car parking

**1.4. Further Details:**

<https://eplanning.derby.gov.uk/online-applications/plan/11/17/01446>

#### **Brief description**

The proposed development is for an 8-storey building delivering 77 apartments in a mix of 47no. 1-bed and 30no. 2-bed units. The ground floor will contain car parking and ancillary facilities (communal area, management office/reception/ bin store; cycle parking; plant room). The proposed building would be a 24m high block, constructed of brickwork and metal cladding. The top floor, constructed of grey panelling, would be set-in from all sides of the building. A central access point, off Agard Street, is proposed, to serve 22 under-cover, car parking spaces at ground floor level.

#### **The Site and Surroundings**

The site currently comprises open land, which has been used as a commuter car park, serving nearby office premises, for about 40 years. The car park is served via a centrally positioned access on the Agard Street frontage, which also serves as a right of access to properties at the rear.

The site is surrounded by existing development, with the 5-storey former Tax Office building to the east; 4-storey Sir Peter Hilton Court, student accommodation, and the Golden Eagle PH on the opposite side of Agard Street (to the north); Friar Gate Surgery and Snug Recording Studios to the west; and 4-storey buildings, mainly in office use to the rear (south) of the site. Derby Gaol and chapel building are also to the south.

Agard Street itself is a 2-lane, one-way route, part of the A52, giving access to the City Centre from the northwest. The site is some 200m west of the Ford street inner ring road.

The site lies within the Friar Gate Conservation area. There are numerous Listed Buildings in the vicinity, including Grade II\* Buildings in Friar Gate, immediately, to the south.

### **1.5 Applicant's Submissions**

The applicant has submitted several supporting documents. The plans have also been amended, to address concerns raised by consultees. The submissions are summarised as follows:

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### Visual Appearance

Most recent comments relate to amended visuals, which show the following key changes:

*“Brick has changed to a lighter red*

- Top floor has changed to a glazing-led solution to lighten that floor in its appearance from street level.*
- The 6th (penultimate) floor has changed to a light grey cladding system, which is used on the side elevation ‘signage zone’ and the ground floor*
- The remaining 5-storeys of brick faced has a changed column pattern that groups some of the windows into inset blocks of 4 and 6, with a central recessed column.*
- The side window to the corner flats on the east elevation now sits within a vertical strip of the cladding that breaks up the mass of brickwork*
- Masonry has been removed from the middle of the column of balconies, which opens them up as a feature and divides the massing.*

*The visuals also show the completed Clegg scheme at the eastern end of Agard Street. It is quite clear that the changes we have made allow the two buildings to sit harmoniously within the street scene, serving also to emphasise the precedent effect of the Clegg scheme and the need to read the scale of our proposal in that new context”.*

### Air Quality Assessment

A set of measures for construction activity mitigation is recommended, covering site management, preparing and maintaining the site, operating vehicles and machinery, general operations, and waste management.

For vehicle emissions, predicted concentrations of PM10 and NO2 are below relevant objectives, though mitigation should be considered. Overall, there is no need to consider building mitigation.

The proposals are considered acceptable in terms of the potential air quality impacts.

Most recent comments: *“The EHO mentions the existing requirement to comply with EU limit values for NO2. We believe this can be done via an air quality mitigation strategy in conjunction with the Travel Plan, we are happy to discharge as planning conditions. The EHO has, of course, confirmed that he is ultimately happy to deal with conditions in his response and this should be a determining factor on this matter”.*

### Noise Assessment

The development is not expected to have an adverse impact on health or quality of life.

All impacts relating to noise can be mitigated by the use of an appropriate glazing and ventilation strategy.

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Double glazed units to a specified standard will be sufficient for living areas bedrooms across the site in order to achieve the target internal noise levels when windows are closed for the worst-case façade facing Agard Street.

Rooms within the development will include an MVHR system to provide background ventilation and thus avoid the need for trickle vents to the windows.

Most recent comments: *“The revised report presents a direct response to the EHO’s comments. The conclusions present a potential mitigation strategy but, to be clear, we would expect a condition to be imposed requiring confirmation of the actual noise mitigation strategy to be used once the building design has been worked up in detail following approval”.*

### **Ground Investigation**

There is nothing on the site that prevents the proposed residential development, though mitigation will be required as appropriate.

This will include use of a suitable capping material in any landscaped areas.

The presence of invasive plants will need to be checked.

Soakaway drainage is not suitable for the site.

Any waste materials from the site should be tested to ascertain their suitable means of disposal.

### **Flood Risk Assessment**

All means of flood risk at the site have been assessed and it has been demonstrated that the site is not at risk of flooding, nor would it pose a risk to adjacent land following development subject to the recommendations below being adhered to.

An outfall to the combined sewer on Agard Street will be the primary means of disposal for surface water and foul water.

The proposed surface water drainage system should be designed to accommodate the 1:30 year rainfall event without any surface water flooding and should be capable of retaining the 1:100 year plus 40% climate change storm event on site without flooding any buildings.

### **Transport Statement**

The site is sustainable and has good access to local facilities and amenities by both foot and cycle, with no road safety issues identified.

The proposed development is expected to lead to a slight vehicle trip reduction during the AM peak period and a slight increase in the PM peak compared to the existing use of the site, though the increase is not severe enough to warrant any mitigation.

It is considered that the transport effect of the proposed development is acceptable.

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### Travel Plan

The proposed development is located within a sustainable area giving the existing facilities support for sustainable lifestyles.

Measurable targets have been produced which will be monitored against the baseline data.

It is intended that further measures, initiatives and promotions will be developed over time by the TPC.

### Desk-Based Archaeological Assessment

There is no evidence that the site contains any buried archaeology and it's concluded that the archaeological potential is negligible to low.

However, the proximity of the former Derby Gaol means a single trial trench should be considered towards the southern end of the site.

### Heritage Impact Assessment

The application affects the Friar Gate Conservation Area and the settings of a number of listed buildings.

The impact on the settings of designated heritage assets is largely neutral.

The scheme is largely concealed from Friar Gate and the high concentration of listed buildings which line it, with the glimpsed views of the proposal not being visually harmful.

The scale of the development will lead to moderate and minor adverse visual effects on a limited number of heritage assets which equate to less than substantial harm.

On balance the proposal is an enhancement of Agard Street, helping to repair a fragmented townscape. It must also be therefore seen as an enhancement to this part of the Friar Gate Conservation Area.

### Most recent comments:

*"The addendum addresses the concerns raised by Historic England and your Conservation Officer. It unambiguously makes it clear that their concerns are subjective at best and materially incorrect in other regards. In particular, they reach numerous conclusions about the proposal's impact on the conservation area and listed building settings that are not supported by the very thorough Friar Gate Conservation Appraisal and Management Plan".*

### Overall Conclusions

*"We have positively addressed the EHO concerns about noise and air quality and have no objection to the imposition of conditions that would require mitigation strategy to be agreed in detail.*



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*The design changes and updated visuals show a building that does not appear overbearing and which sits harmoniously within the changing street scene, particularly now that the Clegg scheme is complete. This supports our conclusions about the heritage impact, with the addendum reaffirming that only moderate adverse impacts are generated in limited regards, which generates the balancing exercise of weighing such harm against the general planning benefits of the scheme.*

*We have of course, many benefits to list:*

- the regeneration of a prominent gap site in the city centre;*
- the removal of a commuter car park;*
- the generation of construction jobs;*
- the provision of market dwellings that are in demand;*
- positive contribution towards the residential balance of the city centre;*
- contribution towards the Council's housing supply target;*
- generation of New Homes Bonus payment to the Council.*

*We trust it is agreed that these benefits outweigh the moderate adverse heritage impacts identified. Failing any other substantive concerns, the development can therefore be recommended [sic] for approval".*

### **2. Relevant Planning History:**

<b>Application No:</b>	11/79/01691	<b>Type:</b>	Full application
<b>Decision:</b>	Granted	<b>Date:</b>	21/2/1980
<b>Description:</b>	Formation of Temporary Car park		

### **3. Publicity:**

- 12 Neighbour Notification Letters
- Site Notice displayed
- Statutory Press Advert

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

### **4. Representations:**

44 representations have been submitted, 2 are in support of the proposal. The remainder (including a letter from Derby Gaol and Police Museum) raise the following objections:

- Construction noise, vibration and dust will have a detrimental impact on the adjoining Recording Studios. Harmful to local business use, which may be forced to close. Consequential impact on Derby's music culture and local musicians. Acoustic report does not address impact on Studios.
- Proposal building overbearing and out of character with surrounding area and harmful to surrounding Listed Buildings and Conservation area.

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- Potential overshadowing and overlooking of buildings to the rear.
- Increased traffic generation and inadequate parking will lead to highway safety problems, including deliveries to the site.
- Agree with concerns raised by heritage bodies.
- Lack of detail to confirm rights of access to rear of Friar Gate properties.
- Many representations refer erroneously that the proposal is for student accommodation.

Marketing Derby has submitted a letter strongly in support of the proposal. Their letter states:

- Current car park provides no visual quality. Agard Street has become a major City Centre gateway but with a poor quality of urban grain.
- Derby has to meet challenging housing targets. Taller developments on, brownfield sites will be more commercially viable.
- The proposal would not be visible from Friar Gate and will not adversely impact on the surrounding heritage assets but only on the functional rear areas.
- A refusal may set an undesirable precedent and make the surrounding area undevelopable.
- The City must find a way to embrace modern development that sits alongside heritage buildings, to allow regeneration and increased vibrancy.
- The concerns of conservation consultees must be balanced against the housing needs of the City and a pragmatic view should be taken.

Another letter in support, from a local resident, considers the proposal to be a great addition in calming and making Agard a liveable city street; with the proposed height, materials and appearance of the building in keeping with its surroundings.

## **5. Consultations:**

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

Resolution -object and recommend refusal on the grounds of the impact of the proposed development on the setting of a range of listed buildings (various grades) and the character and appearance of the Conservation Area. The proposal would also be injurious to the amenities of neighbours opposite by virtue of the scale and mass of proposed built form. Proposed development would exhibit an unduly detrimental frontage form of development on Agard Street.

### **5.2. Highways Development Control:**

These observations are primarily based upon details shown on application drawings "40730/01/E" and "500".

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The proposals consist of an 8-storey building with 77 flats (47 x1-bed and 30 x 2-bed) with 22 car parking spaces (none apparently sized for disabled users) and 8 cycle parking spaces.

The existing use of the site appears to be as car parking with (according to the application form) parking for up to 40 vehicles; albeit that the car park does not appear to be fully utilised at present.

The site is fronted by a footway (approx. 1.6m wide) and appears to fall towards the highway. There is an existing BT pole and illuminated one way sign within the access location which will need to be relocated at cost to the developer; and an existing highway direction sign within the site which the developer has identified will also need to be moved.

There is a signal controlled pedestrian crossing to the west of the site and controlled parking on the opposite side of the street to the development.

The proposals (in a slightly differing form) have been the subject of pre-application consultation and many of the highway authority recommendations have been added to the design.

A Transport Statement has been provided in support of the application; this demonstrates that the site is within a sustainable location close to the city centre, and that during the morning peak there will be decrease in arrivals but an increase in departures; and in the evening peak there will be an increase in arrivals.

In neither case is the additional number of trips significant when set against the existing volume of traffic on Agard Street; in addition, on the basis of Case Officer visits to the site, as the car park does not appear to be in high volume use, it is likely that the trips relating to the car park have been conservatively measured and could therefore be higher than stated.

Whilst 8 cycle parking spaces are provided, the TS points out that this can be increased to 16 parking spaces by providing a two-tier cycle parking system and can be increased further by providing semi vertical cycle racks or hanging rail cycle parking.

The proposed refuse collection point is at the front of the development and can be accessed easily. No provision for separate drop kerbs for the bin is made due to the close proximity of the vehicle access to the bin store.

The application drawing shows a "security shutter", the precise design of which is unclear. This is shown 5m back from the footway. The Highway Authority considers that due to the restricted width of footway and the volume of traffic on Agard Street; it would be more appropriate to set this back 5.5 metres in order to ensure that the rear of a vehicle extending into the footway whilst the shutter is opened.

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However the 5.5m set back discussed above would be acceptable if the shutter were of the “roller shutter” variety; if the proposals are for some sort of “up and over” facility this set back distance should be increased to 6.0 metres.

Therefore clarity of the appropriate design is sought; this can be dealt with by a suitable condition.

As previously stated, the site falls towards the highway; whilst no level details have been provided with the application, the applicant/developer should note that it is an offence to permit surface water to drain off the site onto the highway and that appropriate measures will therefore need to be put into place to prevent this occurring.

In this location; it would be appropriate to require an improved footway crossing at the access (which gives priority to pedestrians) rather than bellmouth crossing, the 6C’s Design Guide, DG20 also gives advice on dropped crossing with for heavily trafficked streets, and advises 9.2m (10 dropped kerbs) – the drawing has been revised in accordance with this recommendation.

The applicant should note that the granting of any consent would be on the basis that the application caters fully for the parking demand associated, and that therefore no parking permits will be issued to subsequent occupiers of the development.

The applicant should also note that the footway fronting the site is likely to need reconstruction due to damage during the construction phase (installation of utilities etc), this would be at cost to the developer.

Though not highways issues the following points are brought to the attention of the Local Planning Authority:

- Looking at the drawing; none of the parking spaces appear to be appropriately sized for disabled access; it is recommended that at least one space should be so sized and marked (possibly space 1).
- There is no internal access to the proposed cycle store, which means that residents will only have access off Agard Street and may therefore make the use of cycles less convenient and attractive. It is recommended that access also be available from the adjacent corridor.

Given that the proposed application site is in a sustainable location and well served by local transport links and nearby pay and display parking; it is unlikely that the proposed development will have a significant impact on the highway.

### **Recommendation:**

The Highway Authority has No Objections to the proposals, subject to the imposition of conditions relating to the implementation of the approved Travel plan; the provision of a dropped vehicular crossing and cycle parking, construction of properly drained and delineated parking.

### **NOTES TO APPLICANT**

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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](mailto: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. Advice regarding travel plans can be obtained from the Travel Plans Officer: Kerrie Jarvis; [kerrie.jarvis@derby.gov.uk](mailto:kerrie.jarvis@derby.gov.uk)

N4. Notwithstanding any Planning Permission please note that the flats will not qualify for residents parking permits.

N5. The consent granted will result in the construction of a new building which needs 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](mailto:traffic.management@derby.gov.uk) with the number of the approved planning application and plans clearly showing the site, location in relation to existing land and property, and the placement of front doors or primary means of access.

N6. In respect of the removal of the Advance Direction Sign, you should contact [traffic.management@derby.gov.uk](mailto:traffic.management@derby.gov.uk)

### **5.3. DCC – Conservation Officer**

#### **Introduction**

This site is within the Friar Gate Conservation Area - so within a designated heritage asset. It is also within the setting of (and therefore affects the significance of) many nearby listed buildings listed within the heritage statement. These include those close to the site grade II\* listed 47-51 Friar gate (which to the rear the former chapel building, which is part of the building, is abutting the site) and grade II listed 45, 46, 56-57, 58 and 59-60 Friar Gate, and those listed buildings slightly further away including grade II listed 4-6, 18-20 Bridge Street and grade II\* St John the Evangelist. There was previous a row of houses on this site with their plots running back from Agard Street towards Friar Gate. There was a footpath access through an alleyway at the midpoint of this row. This is shown in the Heritage Statement using historic maps of 1900 but no historic photos of this building was included. I have sourced a historic photo, which I will send you, which shows that the row of dwelling houses on this site was a residential row of semidetached brick and three storeys. Each front entrance had access to two properties one to each side (Please note that there is a historic photo within the heritage statement but the three storey industrial building shown is not the building that was on this site but was formerly on the opposite side of the road south located towards the bridge).

This proposal is for an eight storey block of 77 flats and associated car parking.

#### **Comments**

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I have strong concerns about this proposal in terms of the buildings height, size and massing, layout and materials.

Listed buildings - It has an overbearing presence and has a negative impact and is harmful to the significance, as regards their setting, of a number of listed buildings. The harm to significance as a result of this proposal would be much in particular reference grade II\* listed 47-51 Friar gate (which to the rear the former chapel building, which is part of the building, is abutting the site) and grade II listed 56-57, 58 and 59-60 Friar Gate, and those listed buildings slightly further away including grade II listed 4-6, 18-20 Bridge Street and grade II\* St John the Evangelist.

The heritage statement looks at the whether there is a visual connection between each listed building. I suggest that the study only seems to look at it from public space (glimpses between gaps in listed buildings) and not whether there are views of the site and proposed building from the rear windows or garden areas of many of the listed buildings. This is mentioned once or twice but there is no detailed analysis of these views, and no photos included. The views from the rear of the listed buildings are very likely to be part of the setting of those listed buildings.

I note in particular the harm, as a result of this development, to the chapel and grade II\* listed 47-51 Friar Gate as this development is immediately adjacent and will substantially affect the listed buildings setting. This building is looked at on page 42 but the statement does not highlight the major negative impact on the setting (and significance) of this building or include photographs from the rear of this building to demonstrate the impact. I suggest that the assessment on the impact on the setting of some of the listed buildings along Friar Gate and Bridge Street from their rear elevations and garden/yard spaces is not fully explored and I would suggest that the impact of the proposal would be a negative one. Viewpoint 1 is taken from just outside the grade II\* listed St John's Church, Viewpoint 11 shows and demonstrates, in my view, the over dominance this building would have on the listed buildings on Bridge Street. I would suggest obtaining clarification on the impact of the proposal on Viewpoint 4 to be clarified as the red dotted line looks to be higher than the grade II Listed Friar Gate Bridge? Also whether the proposal could be seen from the deck of the listed bridge?

### **Conservation Area**

The proposal does not preserve or enhance the conservation area but it is harmful and has a negative impact on the character and appearance of the Friar gate Conservation Area. This can be particularly seen, and is harmful, from views within the conservation area along Agard Street. Viewpoint 1 (within the IVA 1) can be seen to be particularly harmful and Viewpoint 8 as it projects forward of the roof slopes. It can also be seen to be harmful when viewed from Mill Street, as demonstrated when looking at View point 11. The character and appearance of the conservation area is harmed by the impact of the proposal when looking into the conservation area (e.g. from views looking from Markeaton Brook towards the development – Viewpoint 2 Bridge Street).

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The Friar gate Conservation Area Appraisal and Management Plan identifies that character of Agard Street has been eroded (page 25) and in a later section that there are some modern buildings, which are out of keeping with the historic environment (p50). The tax office building does have a negative impact on the character of Agard Street and the character and appearance of the Conservation Area. The proposed building has a negative impact.

As well as the buildings height, size and massing, the proposed layout does not follow the layout of the former building row (which was much narrower and smaller in terms of scale, height and massing) and set slightly back with a small garden in front and their plots, with gardens and small outbuildings running back from Agard Street at right angles. In my view the information on materials in the D&AS is limited and does not clearly list the materials proposed other than the lightweight grey panelling to the eighth floor and the rendered panel to one of the side elevations. The visuals show a buff brick which does not seem to relate to the red/orange brick characteristic of this part of the building materials which make a positive contribution to the conservation area. I therefore have concern about the limited information on materials proposed.

Planning Policies - I would like to draw your attention to the following policies- paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, The NPPF including section 12 Conserving and enhancing the historic environment, Local Plan Policy Review Policies E18 and E19 (2006), The Local Plan Core Strategy (2107) policy C20 in particular (although other design policies are also relevant).

Recommendation: - Strongly object on conservation grounds to proposal. This proposal can be seen to be very harmful to heritage assets. This harm can be termed less than substantial in para 134 NPPF terms. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed up against the public benefits of the proposal (by the Development Control Planning Case Officer).

Further response to amended submissions:

This proposal (DER/11/17/01446/INI as amended by information submitted 01/05/18) is for an eight storey block of 77 flats and associated car parking. These comments take into consideration the amended plans and an additional heritage comment by the heritage consultant is noted. A methodology for an integrated visual assessment was looked at pre-application stage and subsequently submitted with the application, however this does not include a full assessment of the impact of the proposal on the significance (in terms of setting) of nearby listed buildings.

The amended plans show some minor changes to the overall design of the building including changes to the top floor to include more glazing, information on materials, changes to the façade to include areas that are inset blocks and changes to the balconies. These minor amendments do not address the harm that will result from this proposal or my objections.

Comments

I have strong concerns about this proposal in terms of the buildings height, size and massing, layout and materials.

Listed buildings - It has an overbearing presence and has a negative impact and is harmful to the significance, as regards their setting, of a number of listed buildings. The harm to significance as a result of this proposal would be much in particular reference grade II\* listed 47-51 Friar gate (which to the rear the former chapel building, which is part of the building, is abutting the site) and grade II listed 56-57, 58 and 59-60 Friar Gate, and those listed buildings slightly further away including grade II listed 4-6, 18-20 Bridge Street and grade II\* St John the Evangelist.

The heritage statement looks at the whether there is a visual connection between each listed building. I suggest that the study only seems to look at it from public space (glimpses between gaps in listed buildings) and not whether there are views of the site and proposed building from the rear windows or garden areas of many of the listed buildings. This is mentioned once or twice but there is no detailed analysis of these views, and no photos included. The views from the rear of the listed buildings are important and are part of the significance (in terms of setting) of those listed buildings.

I note in particular the harm, as a result of this development, to the grade II\* listed 47-51 Friar Gate and attached chapel as this development is immediately adjacent and will substantially affect the significance (in terms of setting) of this listed building. This building is looked at on page 42 but the statement does not highlight the major negative impact on the setting (and significance) of this building or include photographs from the rear of this building to demonstrate the impact. I suggest that the assessment on the impact on the significance (in terms of setting) of some of the listed buildings along Friar Gate and Bridge Street from their rear elevations and garden/yard spaces is not fully explored and the impact of the proposal would be a negative one. Viewpoint 1 is taken from just outside the grade II\* listed St John's Church, Viewpoint 11 shows and demonstrates, in my view, the over dominance this building would have on the listed buildings on Bridge Street. I would suggest obtaining clarification on the impact of the proposal on Viewpoint 4 (from Friar gate junction with Stafford Street) to be clarified as the red dotted line looks to be higher than the grade II Listed Friar Gate Bridge? Also whether or not the proposal could be seen from the deck of the listed bridge?

Conservation Area - The proposal does not preserve or enhance the conservation area but it is harmful and has a negative impact on the character and appearance of the Friar gate Conservation Area. This can be particularly seen, and is harmful, from views within the conservation area along Agard Street. Viewpoint 1 (within the IVA 1) can be seen to be particularly harmful and Viewpoint 8 as it projects forward of the roof slopes. It can also be seen to be harmful when viewed from Mill Street, as demonstrated when looking at View point 11. The character and appearance of the conservation area is harmed by the impact of the proposal when looking into the



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conservation area (e.g. from views looking from Markeaton Brook towards the development – Viewpoint 2 Bridge Street).

The Friar gate Conservation Area Appraisal and Management Plan identifies that character of Agard Street has been eroded (page 25) and in a later section that there are some modern buildings, which are out of keeping with the historic environment (p50). The tax office building does have a negative impact on the character of Agard Street and the character and appearance of the Conservation Area. The proposed building has a negative impact.

As well as the buildings height, size and massing, the proposed layout does not follow the layout of the former building row (which was much narrower and smaller in terms of scale, height and massing) and set slightly back with a small garden in front and their plots, with gardens and small outbuildings running back from Agard Street at right angles. In my view the information on materials in the D&AS is limited and does not clearly list the materials proposed other than the lightweight grey panelling to the eighth floor and the rendered panel to one of the side elevations. The visuals show a buff brick which does not relate to the red/orange brick characteristic of this part of the conservation area. I therefore have concern about the limited information on materials put forward.

Planning Policies - I would like to draw your attention to the following policies- paragraphs 66 and 72 of the Planning (Listed buildings and conservation areas) Act 1990, The NPPF including section 12 Conserving and enhancing the historic environment and Para 134, Local Plan Policy Review Policies E18 and E19 (2006), The Local Plan Core Strategy (2107) policy C20 in particular (although other design policies are also relevant).

Recommendation: - I strongly object on conservation grounds to this proposal. It can be seen to be very harmful to a number of heritage assets, including highly graded listed buildings and the conservation area. This harm can be termed less than substantial in para 134 NPPF terms. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed up against the public benefits of the proposal (which would be undertaken by the Development Control Planning Case Officer).

### **5.4. DCC – Regeneration:**

Comments and requested planning conditions.

The Regeneration Projects team support the proposed development of 77 flats on land at 18 Agard Street. The proposed development represents an appropriate use of a site on the outskirts of the city centre and will bring additional footfall to the surrounding area, which will contribute towards enhancing the vibrancy of the Derby City Centre. In addition, the proposed development will complement the schemes that the Regeneration Projects team are proposing to bring forward through the City

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Centre Masterplan and will contribute towards delivering the vision and ambitions of the Masterplan (most notably the Living City – a lifestyle and Housing Choice – ambition).

The proposed development will further establish the presence of students in this location. In further developing the scheme post planning, the applicant should consider how the development integrates with the street scene on Agard Street, which is currently very sparse. For example, consideration could be given towards incorporating a 'green wall' facing Agard Street.

### **5.5. Environmental Services (Health – Pollution):**

Extracts of consultation responses:

#### Conclusions and Recommendations on Air Quality

I note the report's conclusions that "the current proposals are considered acceptable in terms of the potential air quality impacts" and subsequently, that "there is no need to consider building mitigation". I do not agree with this conclusion for the following reasons.

Firstly, the overall judgement should be considered in light of a number of the following factors:

The known inaccuracies and uncertainties inherent in AQ modelling;

The use of national, rather than local, traffic data in this assessment; and

Locally-specific factors not picked up accurately by the modelling, in particular average vehicle speeds along Agard Street adjacent to the proposed development and emissions from accelerating vehicles.

Secondly, the impact of the development creating a street canyon effect (via the physical construction of the proposed 8 storey building) has not been properly considered within the judgement. This has implications for both the proposed future occupants of the development, but also for occupants of the existing residential dwellings of the Centro West apartments on the opposite side of Agard Street.

When considering the impact descriptors used within the 2015 EPUK/IAQM Guidance (Table 6.3), this leads to a 'moderate impact' (i.e. a concentration of NO<sub>2</sub> between 76 and 94% of AQAL, with an overall increase in concentrations of more than 10%).

When considering the above, I can confirm that the Environmental Protection Team objects to the application due to concerns over the impact of the development upon local air quality.

Should the LPA still be minded to grant permission irrespective, then we would recommend the attachment of the following condition:

The submission of an air quality mitigation strategy, to be agreed in writing with the LPA, before the development commences. The strategy will need to include measures incorporated into the proposed building to provide for an alternative means of ventilation and also to include measures designed to encourage active travel and/or to encourage the uptake of low emission vehicles, or other agreed measures, such that those measures can be considered to provide an appropriate level of

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mitigation, bearing in mind the predicted increase in NO<sub>2</sub> concentrations reported at this location of 28%. All of the proposed mitigation measures will need to be agreed by the LPA and the agreed measures should then be incorporated into the development in full, before it is occupied.

Alternatively, consideration should be given to redesigning the building such that the front façade is located at a minimum of 15 metres from the kerb of Agard Street.

With regard to construction impacts, I would recommend that the measures outlined in Table 15 are included in a Construction Management Plan for the development, to be secured by an appropriate planning condition, should consent be granted.

### Further response to amended submissions:

Notwithstanding the perceived potential harm to human health of allowing such a development to go ahead, it is also important to note that Derby City Council has received a legal order, signed by a Minister for DEFRA, requiring it to develop air quality improvement measures designed to ensure compliance with EU Limits for NO<sub>2</sub> which have been predicted to be exceeded under National modelling. Any development which has the potential to inhibit the Council's attempts to comply with National or European AQ Limits, or more significantly still, create new exceedances, will undermine both local and National Air Quality Policy.

However, providing ventilation for occupants of the proposed development, does nothing to mitigate the concerns regarding existing receptors or to reduce the perceived impact of inhibiting the Council's attempts to comply with EU Limit Values for NO<sub>2</sub>, which would be significantly impacted due to the increased canyon effects created by the structure of the proposed building.

### Conclusions and Recommendations on Noise

Based on the results of the submitted assessment, the Environmental Protection Team has concerns regarding noise, in particular relating to short-term peaks in noise (known as L(A)<sub>max</sub> levels) during the night-time period and the potential to cause sleep disturbance for future occupants of the development.

The proposed insulation scheme is not deemed sufficient to protect against L(A)<sub>max</sub> noise at night. Without significantly enhanced insulation from that proposed, recognised criteria produced by the World Health Organisation are likely to be exceeded and therefore the proposals are in direct contravention of both the NPPF and saved local planning policy GD5, due to the predicted harm to residential amenity for future occupants of the development.

Consequently, the Environmental Protection Team objects to the application on noise amenity grounds.

I further note concerns from a local business regarding potential noise disturbance during the construction phase of the development. Whilst the Environmental Protection Team does share similar concerns, given the temporary nature of the construction works, this would not in our view be sufficient justification for a refusal of

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planning permission in its own right. We would however strongly recommend detailed noise mitigation is employed throughout the construction works.

Should planning permission be granted regardless, then the Environmental Protection Team would strongly recommend a planning condition requiring the submission and approval of an enhanced and detailed noise insulation scheme, over and above the level of protection suggested in the outline specification provided in the November 2017 Acoustic Report (Stroma Tech).

The agreed scheme will need to be implemented in full before the development is occupied.

In addition, we would strongly recommend the attachment of a condition requiring a detailed construction management plan designed to mitigate both noise and air quality impacts, to be agreed by the LPA and to be complied with fully throughout the entire construction/demolition phase of the development.

### **Further response to amended submissions:**

Based on the results of the updated assessment, the Environmental Protection Team still has concerns regarding noise, in particular relating to short-term peaks in noise (known as L(A)max levels) during the night-time period and the potential to cause sleep disturbance for future occupants of the development and also in relation to noise levels in external balcony areas.

The proposed insulation may not be sufficient to protect against L(A)max noise at night. Without significantly enhanced insulation from that proposed, or further assessment confirming that the current scheme may be appropriate, recognised criteria produced by the World Health Organisation are likely to be exceeded.

In addition, recognised criteria for external amenity areas are likely to be exceeded within the proposed balcony areas.

The proposals are therefore demonstrably in direct contravention of both the NPPF and saved local planning policy GD5, due to the predicted harm to residential amenity for future occupants of the development.

Consequently, the Environmental Protection Team objects to the application on noise amenity grounds.

Should planning permission be granted irrespective of those concerns, then the Environmental Protection Team would strongly recommend a planning condition requiring the submission and approval of an additional noise survey and subsequent assessment, with a view to the design of an enhanced and detailed noise insulation scheme, over and above the level of protection suggested in the outline specification provided in the April 2018 Acoustic Report (Stroma Tech).

The agreed scheme will need to be implemented in full before the development is occupied.

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In addition, we would strongly recommend the attachment of a condition requiring a detailed construction management plan designed to mitigate both noise and air quality impacts, to be agreed by the LPA and to be complied with fully throughout the entire construction/demolition phase of the development.

### **Conclusions and Recommendations on Land Contamination**

Whilst the report provides an indication of contamination on site, it is not sufficiently detailed to constitute a full detailed Phase II site investigation as a result of the limited soil sampling coverage. For example, the risks of contamination from the historical tanks identified close to the site boundary have not been explored fully.

In addition, the ground gas risk assessment needs to be updated to reflect the complete set of results recorded in Appendix J of the report.

Should the development be granted planning consent, I would strongly recommend that conditions are attached requiring the following:

- A Supplementary Land Contamination Site Investigation shall be completed in order to address the outstanding risks highlighted above, namely the risks associated with the historical nearby storage tanks and completion of the ground gas risk assessment. The Supplementary Site Investigation will need to be agreed in writing with the LPA before the development can commence.
- Where the site investigations confirm that contamination exists, a Remediation Method Statement will also be required for approval, before the development commences.
- 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.

## **5.6. Historic England**

### **Summary**

The proposal is for the construction of a student *[sic]* accommodation block of 8 storeys, consisting of 77 flats with associated parking. The site lies within the Friar Gate conservation area and within the setting of numerous listed buildings including the 47-51 Friar Gate (grade II\*) and the Church of St John the Evangelist (grade II\*). Our advice is given in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the Planning Practice Guidance, and the Historic Environment Good Practice Advice in Planning Notes 1-3. We consider the proposal would constitute an inappropriate and intrusive development that would result in harm to the significance of a number of listed buildings, including the highly graded 47-51 Friargate terrace and Church of St John the Evangelist and would have a harmful impact on the character and appearance of the Friar Gate Conservation Area.

Historic England objects to the application on heritage grounds. Ultimately it will be for your authority to weigh up all planning considerations in determining this application.

### **Historic England Advice**

#### **Significance**

The site lies within the Friar Gate Conservation Area. It is considered the most important conservation area within Derby and is arguably of national importance in

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terms of its quality. Many of the buildings on Friar Gate are listed with a high proportion of Grade II and II\* listed eighteenth-century townhouses of significant architectural and historic interest. Friar Gate is a delightful and imposing historic street, providing a view into the townscape of Georgian Enlightenment Derby and the wealth of the town during this period. Therefore it is essential that any potential impact on the townscape of Friar Gate is properly and robustly assessed and understood.

The area surrounding Agard Street by comparison has a more varied and fragmented townscape. The south side of Agard Street contains a variety of buildings and gap sites. The north side consists of mainly modern four storey buildings which have clearly been designed to be in scale with the Church of St John the Evangelist (listed Grade II\*) and the listed buildings on Friar Gate. Glimpsed views are afforded from Agard Street to the rear of the listed buildings on Friar Gate. This visual connection with these fine buildings, gives a sense of the built form along Friar Gate and reinforces the historic association where garden plots once extended back to Agard Street, contributing to the character of this part of the conservation area.

The development site itself, straddles the rear of no 47 -51 Friar Gate (listed Grade II\*) and consisted of terrace housing in the C19. The site now provides surface car-parking which currently detracts from this part of the conservation area and there is therefore an opportunity here to enhance this part of the conservation area and repair the fragmented townscape within this area.

### **Impact of the proposal on significance**

The proposal is for the construction of an 8 storey block to provide 88 residential flats for student accommodation and associated car parking.

The proposed building is a monolithic block which consists of 8 storeys fronting Agard Street. We note within the Design and Access Statement the proposed building is to be clad in predominately brick with grey panelling to the upper storey. A large rendered vertical panel is proposed on the west elevation.

Having assessed the accompanying information provided, in our view, the height, scale and mass of the proposed building would have a dominating and overbearing effect, both when viewed in relation to the surrounding listed buildings and the surrounding townscape. In particular, the proposed building would loom over and dominate the views from the highly graded 47-51 Friar Gate and would block views through from Agard Street to the Friar Gate, severing this visual connection. As shown within the accompanying Integrated Visual Assessment document, when looking north along Agard Street the proposed building would dominate the surrounding townscape, particularly the buildings towards the east end (shown in visualisation 6.01) and views towards the highly graded Church of St John the Evangelist shown in (Viewpoint 8). Similarly, when looking south down Mill Street, the proposed building would tower over the listed terrace, 18-20 Bridge Street (shown in Viewpoint 11). This would result in a harmful impact on both the significance the listed buildings derive from their setting and the significance, character and appearance of the conservation area. Notwithstanding static views and impacts on

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individual buildings, its also the impact as one moves round the conservation area which would be adversely affected by the proposed development. We would highlight that in the table contained on page 56 of the accompanying assessment it states that 'a small section of the proposed building would be visible from Friar Gate in limited viewpoints. However, no visuals have been provided to be able to fully assess the potential impact on both the conservation area and listed buildings within.

In relation to the proposed massing and height of proposed development, we believe the building would not sit harmoniously within the surrounding townscape and relates poorly to the positive characteristics and scale of the highly graded listed buildings within the conservation area, the scale of buildings on the opposite side of Agard Street (which are within the setting of the conservation area) and the adjacent buildings within the conservation area. Viewpoint 2 clearly shows the differing scale in building heights , with the proposed new building looming over the development on the north side of Agard Street in views into the conservation area.

In terms of design, the proposed building is uninspiring, appearing as a bland monolithic block, which is exacerbated by its sizable footprint. Overall, in our view, the design, scale and massing of the building does little to reinforce local distinctiveness as per paragraph 60 and 64 of the NPPF. In the context of other consented and built schemes in this immediate area, we believe this scheme would compound the fragmented nature of the townscape and would have a harmful impact on the character and appearance Friar Gate conservation area and the significance of the listed buildings within. We strongly disagree with the conclusion contained within the Integrated Visual Assessment document that the application scheme represents an enhancement to Agard Street. In this respect we refer to paragraph 131 and 137 of the NPPF.

### **Legislation and Policy**

As the proposal affects the setting of listed buildings and the conservation area the statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must be taken into account by your authority when determining this application.

At the heart of Government's National Planning Policy Framework is a presumption in favour of sustainable development - in this context guiding development towards a solution that achieves economic, social and environmental gains jointly and simultaneously [paragraph 8]. Specifically, the environmental dimension of sustainable development gives rise to the need for the planning system to contribute to protecting and enhancing our historic environment as part of achieving this objective [paragraph 7].

One of the twelve core planning objectives set out in the NPPF is the conservation of heritage assets in a manner appropriate to their significance, recognising their value to the community and quality of life [paragraph 17].

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The significance of a heritage asset derives not only from its physical presence, but also from its setting. Significance can be harmed or lost through development within a heritage asset's setting and since heritage assets are irreplaceable any harm or loss to significance requires 'clear and convincing' justification (paragraph 132).

In determining this planning application, the determining body should take account of the desirability of sustaining and enhancing the significance of heritage assets [paragraph 131]. When considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to its conservation and the more important the asset, the greater the weight should be [paragraph 132]. No higher sense of importance is described in the NPPF. Where the harm is judged to be less than substantial, harm should be weighed against the public benefit of the proposal [paragraph 134].

### **Position**

In our view, the proposal would constitute an inappropriate and intrusive development that would result in harm to the significance of a number of listed buildings. The proposal would also have a harmful impact on the significance, character and appearance of Friar Gate conservation area.

The NPPF is clear on the need for a 'clear and convincing justification' for any level of harm, weighing up public benefits associated with the proposal against the level of harm. The greater the significance of the heritage asset affected, the greater the level of justification required. It does not follow that if the harm is identified as 'less than substantial' that little weight should be given to the heritage asset and this has been reinforced by many recent appeal decisions considering this issue. The courts have established that considerable importance and weight has to be given to any harm to the special interest of a listed building or its setting.

The current surface car-parking on the site currently detracts from this part of the conservation area. In our view, there is an opportunity for development which is of a more appropriate scale, massing, height and quality design to enhance this part of the conservation area and repair the fragmented townscape within this area. Ultimately, the soundness of a decision by your authority requires careful weighing of the significance of the heritage assets and the degree of harm arising from the proposed development against the merits of this and alternative locations for development.

### **Recommendation**

Historic England objects to the application on heritage grounds as outlined above. We recommend that you seek further advice in relation to the issues raised from your in-house Conservation Officer and that the archaeological potential of the site should be assessed with the benefit of advice from Steve Baker the County Council Archaeologist.

We consider the application does not meet the requirements of the NPPF, in particular paragraphs 131, 132 and 134 and 137. In determining this application you



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should bear in mind the statutory duty of section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed buildings or their setting or any features of special architectural or historic interest which they possess and pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas.

### **Further response to amended submissions:**

#### **Historic England Advice**

We have been consulted on additional information in relation to planning application DER/11/17/01446/INI. We have previously provided advice on the proposals in our letter of 5th December 2017, including an assessment of significance, which remains relevant to the determination of this application.

The additional information provided includes further Heritage Comments by Lathams and amended plans. Having reviewed the further Heritage comments, our position and assessment of the impact of the proposed development on the significance of heritage assets affected remains as outlined in our letter of 5th December 2017.

In relation to the amended plans, we note that some modest improvements have been made to the overall design of the building, which include changes to the top floor to incorporate more glazing, changes to façade to provide inset blocks and changes to the balconies. However, the revised design fails to address our previous concerns in relation to the proposed scale, height, massing of the building outlined in our previous advice letter of 5th December 2017. We therefore re-iterate this advice. In our view, the proposal would constitute an inappropriate and intrusive development that would result in harm to the significance of a number of listed buildings. The proposal would also have a harmful impact on the significance, character and appearance of Friar Gate conservation area.

The NPPF is clear on the need for a 'clear and convincing justification' for any level of harm, weighing up public benefits associated with the proposal against the level of harm. The greater the significance of the heritage asset affected, the greater the level of justification required. It does not follow that if the harm is identified as 'less than substantial' that little weight should be given to the heritage asset and this has been reinforced by many recent appeal decisions considering this issue. The courts have established that considerable importance and weight has to be given to any harm to the special interest of a listed building or its setting.

The current surface car-parking on the site currently detracts from this part of the conservation area. In our view, there is an opportunity for development which is of a more appropriate scale, massing, height and quality design to enhance this part of the conservation area and repair the fragmented townscape within this area.

Ultimately, the soundness of a decision by your authority requires careful weighing of the significance of the heritage assets and the degree of harm arising from the proposed development against any public benefits arising from the proposed scheme.

Recommendation

Historic England objects to the application on heritage grounds. We recommend that you seek further advice from your in-house Conservation Officer.

We consider the application does not meet the requirements of the NPPF, in particular paragraphs 131, 132, 134 and 137. In determining this application you should bear in mind the statutory duty of section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed buildings or their setting or any features of special architectural or historic interest which they possess and pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas.

**5.7. DCC – Land Drainage**

Generally, this development is acceptable given that it is in an area of relatively low flood risk and is an existing brownfield site. However, as stated in the FRA the development will require a sustainable drainage system in order to manage surface water runoff from the site. A Triton attenuation system has been proposed which is acceptable in principle for a site of this nature.

However the submitted drainage layout within the FRA indicates that the Triton tanks are within the under croft car parking which raises concerns over future maintenance access.

The FRA recommends that the tank should be inspected and jetted six monthly at first and then annually, but I am unsure as to whether there will be sufficient height and turning space available for a jetting wagon to carry out these works.

This need not prevent the application from attracting planning consent, provided that a condition is in place for a detailed drainage design, to incorporate maintenance arrangements. I would also point out that this development has a flat roof which would lend itself very well to a green roof. An extensive style green roof (e.g. sedum roof) will require very low maintenance in the future and will provide good stormwater runoff control and habitat/biodiversity benefits.

As such, the following condition should be imposed on a planning condition:

1) No development shall take place until a surface water drainage scheme has been submitted and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall include, as far as reasonably practicable:-

- A sustainable drainage solution,
- Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),
- Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.
- Appropriate ability to maintain the system in a safe and practical manner.

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Reason: To comply with the NPPF, Planning Practice Guidance for Flood Risk and Coastal Change and Core Policy CP2.

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

The proposal site is within the Friar Gate Conservation Area and within the close setting of numerous Listed Buildings along Friar Gate and Bridge Street. With regard to the setting of these designated heritage assets the local planning authority should be advised by its conservation officer and by Historic England.

In relation to below-ground archaeological remains the site is 250m west of the boundary of the City Council's Archaeological Alert Area (Local Plan Policies) relating to the medieval city centre, although medieval remains have been identified rather close to the site on the line of Ford Street. The evidence suggests that Friar Gate "as the principal medieval route west from the town" experienced some ribbon development during the late medieval and early post-medieval periods, an observation that is supported by Speed's map of 1610 and Burdett's of 1767. There is consequently some potential for medieval back plot archaeology on the site, although it should be noted that none was identified during evaluation of the site at 8-14 Agard Street, 100m to the east.

There is also a high level of potential for 19th century archaeology on the site. the 1852 Board of Health map shows the site frontage already developed, and it is likely that this housing developed during the first half of the 19th century around the time of Derby's 'railway boom' in the 1840s. This was a critically important period in Derby's development and the associated archaeology can help us capture the stories and social and cultural conditions of the time.

Although the applicant has submitted an 'archaeological desk-based assessment' document, this has been prepared in-house by Lathams without professional archaeological input. Although the Derbyshire HER has been consulted and historic maps have been identified and reproduced, the level of professional judgement and overview with regard to archaeological potential and significance is lacking. Nonetheless, the document perhaps provides 'just enough' sensu NPPF para 128, for the application to be determined.

Given the potential for medieval and later archaeology on the site, there is a requirement, should the proposals gain consent, for a scheme of post-consent archaeological investigation and recording secured by planning conditions in line with NPPF para 141.

This should comprise trial trenching evaluation in the first instance, followed by further excavation and recording to fully document any significant archaeological remains thus identified.

The following conditions should therefore be attached to any planning consent:

a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-commencement element of the approved

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scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site Investigation.
  6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

## **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)**

Policy No.

- |         |  |
|---------|--|
| CP1 (a) | Presumption in Favour of Sustainable Development |
| CP2     | Responding to Climate Change                     |
| CP3     | Placemaking Principles                           |
| CP4     | Character and Context                            |
| CP6     | Housing Delivery                                 |
| CP7     | Affordable Housing                               |
| CP20    | Historic Environment                             |
| CP22    | Higher and Further Education                     |
| CP23    | Delivering a Sustainable Transport Network       |
| MH1     | Making it Happen                                 |

### **Saved CDLPR Policies**

Policy No.

- |     |  |
|-----|--|
| GD5 | Amenity  |
| H13 | Residential Development – General Criteria         |
| E18 | Conservation Areas                                 |
| E19 | Listed Buildings and Buildings of Local Importance |
| E24 | Community Safety                                   |
| T10 | Access for Disabled People                         |

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E30      Safeguarded Areas Around Aerodromes

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](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy%20ADOPTED%20DEC%202016%20V3%20WEB.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\\_2017.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.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.

- 7.1. The Principle of the Development
- 7.2. Impact on Heritage Assets
- 7.3. Design and Visual Amenity
- 7.4. Impact on Amenity of Surrounding Uses
- 7.5. Access, Parking and Highway Safety
- 7.6. Prematurity
- 7.7. Other Issues
- 7.8. Section 106 Agreement

### **7.1. The Principle of the Development**

The principle of developing this underused brownfield site for residential uses is supported and welcomed. It is a sustainable location close to the city centre with good access to local facilities and services.

The new apartments could contribute to the Council's short term land supply and towards meeting the housing target which is set out in the Core Strategy. The site has the potential to contribute 77 dwellings to the housing land supply and 5 year supply as a deliverable site. It would also be a windfall site and contribute towards the windfall allowance included in the housing trajectory. The proposed development

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meets the objectives in principle of the NPPF and Core Strategy Policies CP3 and CP6, by increasing the supply of residential accommodation across the country and increasing the housing mix.

However, the principles of the proposed development, particularly regarding the creation of a high quality living environment, must be given thorough scrutiny, as set out in Core Strategy Policy CP4 and Local plan policy H13, which expect all proposals for new development to make a positive contribution towards the character, distinctiveness and identity of our neighbourhoods. Furthermore, this is a very sensitive location, within a Conservation Area and in proximity to listed buildings. The height and scale of the proposal has the potential to create serious adverse impacts on the heritage assets where policy requires it to enhance and protect these important features.

The planning consideration of this application must weigh up, in terms of the overall planning balance, any adverse impacts, particularly those relating to heritage impact, and environmental protection issues, with the benefits of providing additional housing accommodation and a sustainable form of development.

### **7.2. Impact on Heritage Assets**

Significant objections have been raised by Historic England, CAAC and the Council's Conservation officer.

Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 set a statutory duty to have special regard to the desirability of preserving a listed buildings or their setting or any features of special architectural or historic interest which they possess and pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The site lies within the Friar Gate conservation area and within the setting of numerous listed buildings including the 47-51 Friar Gate (grade II\*) and the Church of St John the Evangelist (grade II\*).

The specialist heritage consultees advise that the proposal would constitute an inappropriate and intrusive development, which would result in harm to the significance of a number of listed buildings, and would have a harmful impact on the character and appearance of the Conservation Area. The Conservation officer concludes that the harm caused would be "less than substantial". NPPF Para 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

### **7.3. Design and Visual Amenity**

The proposed 8-storey building would generally be viewed as a large rectangular block. The rear element has some parts set-in from the boundary. The block would be constructed of brickwork, glazing and metal cladding with the 8<sup>th</sup> floor set-in. The proposed design would have a distinct vertical emphasis, with fenestration following a consistent upright pattern on all elevations, including habitable room windows on both side elevations. A large full-height vertical signage area is proposed on the

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west elevation, such that it would be visible on the approach along Agard Street. The potential impact of this signage (albeit that any advert is not a part of this application) is not considered to be visually acceptable in the streetscene.

The proposed design and appearance are broadly consistent with the angular design and materials of surrounding buildings, including the adjacent former Tax office building, the Sir Peter Hilton Court student accommodation opposite and the recently constructed One Friar Gate Square. Although the former Tax Office is of a brutalist, monolithic design and should not be taken as an acceptable reference. The angular design, with little contemporary design relief and no landscaped softening would give an unacceptable harsh appearance, very close to the street.

Although of a more contemporary design, when viewed in the context of the surrounding lower buildings (the surgery, clinic and recording studio to the west and the Gaol chapel to the south) and the Kenneth House flats further west, the height, scale and mass of the proposed block is considered to be excessive and overwhelming.

The proposed block would be positioned very close to the back of pavement, such that it would give an enclosed, over dominant appearance and create an unacceptable “canyon” effect when travelling along Agard Street.

The amended plans incorporate details to lighten the upper storeys and to break up the uniformity of the fenestration. The proposed balconies are now opened up and there is greater vertical emphasis on the end elevations, which all help to reduce the overall massing of the block. Nevertheless, the overall appearance will still be of a large rectangular mass, positioned very close to the road frontage. It is considered that the proposed amendments would not overcome the fundamental concerns regarding the proposed design and visual appearance.

### **7.4. Impact on Amenity of Surrounding Uses**

This is a busy edge-of-centre site, with significant disturbance by both passing traffic and existing student accommodation. It is not therefore considered that the proposal would exacerbate any existing harm to residential amenities.

There have been significant objections regarding the potential impact of construction works on the adjacent recording studios. This matter has been raised with the applicants but no response, giving possible mitigation, has been put forward.

Regarding the potential impact on air quality, it is considered that locally-specific factors have not been accurately considered by the modelling. Furthermore, the impact of the development creating a “street canyon” effect has not been properly considered within the submitted documentation. This has implications for both the proposed future occupants of the development, but also for occupants of the existing apartments on the opposite side of Agard Street. Consequently, the Environmental Protection Team objects to the application due to concerns over the impact of the development upon local air quality. The applicant has been made aware of these concerns but has not forwarded any rebuttals.

**7.5. Access, Parking and Highway Safety**

Highways officers advise that the proposed application site is in a sustainable location and well served by local transport links and nearby pay and display parking. Consequently; it is considered that it is unlikely that the proposed development will have a significant impact on the highway. They raise no objections, subject to the imposition of conditions relating to the implementation of the approved Travel plan; the provision of a dropped vehicular crossing and cycle parking, construction of properly drained and delineated parking.

**7.6. Other Issues**

No objections have been received relating to flood risk, subject to the approval of a surface water drainage scheme.

Given the potential for medieval and later archaeology on the site, there is a requirement for a scheme of post-consent archaeological investigation and recording.

A Land Contamination Site Investigation needs to be completed in order to address outstanding risks at the site. Should the site investigations confirm that contamination exists, a Remediation Method Statement will need to be provided. The Environmental Protection Team strongly recommends the submission of an enhanced and detailed noise insulation scheme, and a detailed construction management plan designed to mitigate both noise and air quality impacts. All these issues could be the subject of appropriate conditions.

**7.7. Prematurity**

The construction of the two blocks comprising One Friar Gate Square has established a precedent for tall buildings at the east end of Agard Street. There are several other sites along Agard Street with current development opportunities. These include two other current undetermined applications:

- Application ref; 11/15/01451, at 8-4 Agard Street, for a 5-8 storey block of student accommodation.
- Application ref: 07/17/00880, at 18 Agard Street, for a 9-storey block of student accommodation.

The Council wishes to encourage the redevelopment of these various sites. However, increasing development pressures have lead the Council, with full support of CAAC, to consider whether some interim planning guidance would be beneficial to set some design parameters for the redevelopment of the various sites along Agard Street. A draft guidance document is in the process of preparation.

The applicants were invited to enter into dialogue to achieve a mutually acceptable solution to the various undetermined development sites on Agard Street. The Council, through the Regeneration team, offered to initiate talks with the various parties, to discuss a beneficial way forward. The applicants rejected this approach.

In the absence of a co-ordinated design approach to the various sites along Agard Street, it is considered that any approval in isolation may be deemed to be premature and may have a prejudicial impact on an acceptable comprehensive development of the wider area.



### **7.8 Developer Contributions**

Should Members be minded to approve this application, then developer contributions will be required to mitigate the impacts of the development. A Section 106 agreement would be required to secure affordable housing, open space, public realm, highways, sports facilities and health contributions. The developer has submitted a confidential financial viability appraisal that sets out the justification for an offer in respect of the requested items. The viability of this offer will need to be independently assessed by the District Valuer. Should this course of action be necessary, further negotiations will be undertaken and the matter would be reported back to Committee, if appropriate.

### **7.9. Conclusions**

The planning consideration of this application must weigh up, in terms of the overall planning balance, any adverse impacts, outlined as a result of officer consideration and consultee comments received, particularly relating to heritage impact, unacceptable design and appearance, and adverse air quality, with the benefits of providing additional housing accommodation and a sustainable form of development.

Similarly, there are strong objections as the proposal is considered to be very harmful to heritage assets. This harm has been considered to be less than substantial and in which instance, this harm should be weighed up against the public benefits of the proposal.

Overall, and on balance, it is considered that the benefits of the proposal are outweighed by the adverse impacts, particularly in respect of the harm to the significance of a number of listed buildings, and to the character and appearance of the Conservation Area; the excessive, enclosing and overwhelming appearance of the proposal, creating an unacceptable “canyon” effect; and the potential unacceptable impact of the proposal upon local air quality.

Furthermore, in the absence of a co-ordinated design approach to the various sites along Agard Street, it is considered that any approval in isolation may be deemed to be premature and may have a prejudicial impact on a comprehensive development of the wider area.

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

### **8.1. Recommendation:**

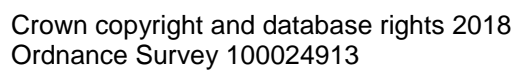
**To refuse** planning permission:

1. The local planning authority is of the opinion that, on balance, the public benefits of the proposed residential development are outweighed by the significant adverse impacts, by virtue of its design, overall layout, scale, and overwhelming massing impact in this location. In particular, it is considered that the proposal will result in adverse harm to the significance of a number of listed buildings, and to the character and appearance of the wider Conservation Area. For this reason the proposal is contrary to adopted Policies CP3, CP4 and CP20 of the Derby City Local Plan - Part 1: Core Strategy, to saved Policies E18 and E19 of the

adopted City of Derby Local Plan Review and to the heritage policy tests in paragraphs 128, 131, 132 and 134 and 137 of the National Planning Policy Framework (NPPF). The proposal is also contrary to the statutory tests in sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 as it would constitute an inappropriate and intrusive form of development that would result in harm to the significance of a number of listed buildings and it would also have a harmful impact on the significance, character and appearance of the Friar Gate Conservation Area.

2. The local planning authority is of the opinion that it has not been satisfactorily demonstrated that the proposal would have an acceptable impact upon local air quality. It is considered that locally-specific factors have not been accurately considered by the air quality modelling and that the impact of the development creating a “street canyon” effect has not been properly considered within the submitted documentation. For this reason the proposal is unacceptable in environmental health and amenity terms and contrary to adopted Policy CP3 of the Derby City Local Plan - Part 1: Core Strategy and to saved Policy E12 of the adopted City of Derby Local Plan Review.

**Type: Full Planning Permission**



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

**Application No:** DER/01/18/00119

**Type:** Full Planning  
Permission

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### **1. Application Details**

**1.1. Address:** Part of Northcliffe House, Meadow Road, Derby

**1.2. Ward:** Arboretum

**1.3. Proposal:**

Change of use from print works (Use Class B1) to a school (Used Class D1)

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/01/18/00119>

#### **Brief description**

The application site lies to the east of the city centre within a predominately commercial area. It lies within a strip of land sandwiched between the River Derwent to the west, and the railway line to the east. The site is accessed from Meadow Lane off Meadow Road. On the opposite side of the river is Bass's Recreation Ground.

Northcliffe House is a large 1960/70's commercial building constructed of brick and concrete. It was last used as a print works (Use Class B1). The northern part of the building is now in use as a storage and distribution centre (Use Class B8). This application relates to approx. 2150 sqm of floor space (ground and first floor) located at the southern end of the building. Permission is sought to change of use of this part of the building to a school. The application site also includes a car parking area to the south of the building.

The submitted information suggests that the educational facility will be a non-state funded Islamic secondary school for 11-18 year old boys. The submitted statement confirms that, initially, the facility will only have two Year 7 classes (approx.40 students commencing in the first year of studies) rising annually to a maximum of 200 pupils. It will be an independent school run by the charity Al-Khair Foundation (AKF). The charity have an existing school, the Al-Khair School in Croydon, opened in 2003. This is a fee paying private school.

According to the application form, the school will employ 20 teaching staff, 3 admin staff, caretaker and facilities officer. The school opening times will be from 08:30 - 16:00.

The addition of a double doorway on the south elevation is the only proposed change to the external elevations of the building. Part of the car park is proposed to be converted into a 535 sqm playground. Covered cycle parking (44 spaces) is proposed for pupils, staff and visitors. Parking for 38 cars (including 2 disabled spaces) and 2 minibuses is proposed.

The site of the proposal is within an existing employment area within the CBD and the Eastern Fringes. It also lies within SFRA flood zones 2 and 3 and the E.A. flood zone 3 and within the OCOR area.

The current application attempts to address and overcome a previous refusal, (under ref; 01/17/00105) for a change of use from print works (use class B1) to school with nursery (use class D1). This application was refused on 12/4/2017. Additional transport assessment and travel plan, noise and flood risk reports have been

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

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submitted with the current proposal. The submitted Planning Statement concludes as follows:

- *The proposed development would see the change of use of a disused building to a secondary school in a sustainable location on the edge of the city centre. The site would bring back into use an un-attractive building in an area which has been identified as a priority for regeneration within the City. The development would bring about much needed educational choice at secondary school level in the City ensuring access to education for local residents close to where they live.*
- *The principle of the development is acceptable in the context of current national and local planning policy. A safe access to the site can be provided and the site can be developed in the manner proposed without creating any adverse impacts on the local environment.*
- *A Flood Risk Assessment has been undertaken and a robust Flood Evacuation Plan developed which demonstrate that the residual risk to people and property from flooding would be low. This is based on the nature of the development proposed which includes for use by less vulnerable people than the site currently has planning consent for, opportunities to evacuate the site in plenty of time in the event of a flood warning and an internal design which would minimise damage to the property in the event of a flood. The proposed development would not result in an increased flood risk elsewhere.*
- *The social and economic benefits of the proposed development far outweigh the minimal residual flood risk and in accordance with the principle of sustainable development, it is respectfully requested that the planning permission should be granted.*

## **2. Relevant Planning History:**

<b>Application No:</b>	01/17/00105	<b>Type:</b>	Full Planning permission
<b>Decision:</b>	Refused	<b>Date:</b>	12/4/2017
<b>Description:</b>	Change of use from print works (use class B1) to school with nursery (use class D1)		

The above application (under ref; 01/17/00105) for a change of use from print works (use class B1) to school with nursery (use class D1) was refused on 12/4/2017 for the following reasons:

1. *The application site is situated in Flood Zone 3, which is an area deemed to be at a high risk of flooding. The proposal involves a change of use from a use categorised as 'less vulnerable' according to Table 2 of the Planning Practice Guidance to a use categorised as 'more vulnerable'. Based on advice from the Environment Agency and the City Council's Land Drainage Team, the Local Planning Authority considers that the submitted application fails to fully assess the increasing vulnerability on site and fails to satisfactorily demonstrate that a safe access and escape route above the 1 in 100 year flood level can be achieved for future occupiers of the building. It is acknowledged that the Our City Our River (flood defence works) will protect the site in the longer term (up*

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*to a 1 in 100 year event) but this project is yet to be undertaken or completed and as yet there is no certainty as to the timescale for completion. Accordingly the provision of such flood defences cannot be relied upon. In this instance the Local Planning Authority feels that the wider community benefits arising from the proposal do not outweigh the harm arising from the flood risk. Ultimately the application fails to demonstrate that the development will be safe for its lifetime by virtue of the aforementioned flood risk issues, and conditions cannot overcome this fundamental concern. As such the proposal is considered to be contrary to the advice set out in the National Planning Policy Framework and Policy CP2 (Responding to Climate Change) of the Derby City Local Plan - Part 1 (Core Strategy).*

2. *In the opinion of the Local Planning Authority, insufficient information has been submitted with the application to fully assess the impact of the development upon the local highway network, and to be able to ensure that any impacts can be satisfactorily mitigated. Accordingly the proposed development fails to comply with Policy CP23 of the Derby City Local Plan - Part 1 (Core Strategy).*

<b>Application No:</b>	02/16/00234	<b>Type:</b>	Full Planning Permission
<b>Status:</b>	Granted conditionally	<b>Date:</b>	04/05/2016
<b>Description:</b>	Change of use of part of print works (Use Class B1c) to a family entertainment centre (Use Class D2) and minor external access works		

<b>Application No:</b>	09/15/01230	<b>Type:</b>	Full Planning Permission
<b>Status:</b>	Granted conditionally	<b>Date:</b>	03/03/2016
<b>Description:</b>	Change of use from print works (Use Class B1c) to Trampoline Park (Use Class D2) and associated Cafe (Use Class A3)		

<b>Application No:</b>	03/15/00318	<b>Type:</b>	Full Planning Permission
<b>Status:</b>	Granted conditionally	<b>Date:</b>	20/05/2015
<b>Description:</b>	Change of use from print works (use class B1c) to storage and distribution (use class B8) and installation of external cladding and shop front		

### **3. Publicity:**

1 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:**

10 representations have been received, with 8 making the following comments in support of the proposal;

- There is a shortage of specialist educational institutes in the City, particularly a lack of a Muslim faith school.

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- It will also bring a vacant building into use, reducing anti-social behaviour and vandalism.
  - A specialist school will benefit Muslim children.
  - Al Khair have a recognised good record for providing quality education.
  - It will aid economic development, creating new jobs
  - Would have a wider strategic and positive impact on the city.
  - The proposal will create no traffic or parking problems.

2 objections have been received on the following grounds:

- Application does not overcome previous reasons for refusal, regarding flood risk and traffic congestion.
- Concerns of children's safety – access goes past bus depot and close to the railway line.
- Concern at traffic congestion, especially at peak times.
- Alleged conflicts of children with cycleway and with events at Bass recreation ground.
- School could expand into the remainder of the building, with no available outside recreational area.
- Concerns at alleged inaccuracies of the plans/submissions. Alleged that the application goes outside the remit of planning.

## **5. Consultations:**

### **5.1. Spatial Planning:**

#### **Observations**

The site is located in an area designated as Existing Employment Land and lies in the Central Business District. In addition, the site is situated in Flood Zone 3a. The site is bounded to the east with a railway line and to the west by Meadow Lane and the River Derwent.

#### **Flood Risk and the Our City Our River Programme**

The Council's Level 1 Strategic Flood Risk Assessment indicates that the site lies within Flood Zone 3a. Planning policy at both the national and local level aims to protect people and property from flooding. The aim is to keep development out of medium and high flood risk zones (Flood Zones 2 and 3). PPG, paragraph 48 states:

A change in use may involve an increase in flood risk if the vulnerability classification of the development is changed. In such cases, the applicant will need to show in their flood risk assessment that future users of the development will not be placed in danger from flood hazards throughout its lifetime. Depending on the risk, mitigation measures may be needed. It is for the applicant to show that the change of use meets the objectives of the Framework's policy on flood risk. For example, how the operation of any mitigation measures can be safeguarded and maintained effectively through the lifetime of the development.

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The Sequential Test seeks to determine if alternative locations for the development have been considered. The Planning Practice Guidance states that a pragmatic approach on the availability of available sites should be taken. The applicant has stated that the site was gifted to the school and the school do not own any other land in the City. Whilst the PPG advocates a pragmatic approach, I would argue that the applicant's justification doesn't provide any evidence which satisfies the requirements of the PPG. If based on further comments by the EA and the Council's Land Drainage Team, you are satisfied that the Sequential Test has been met then the applicant will need to meet the requirements of the Exceptions Test.

This application to change the use from a print works to a school will change the vulnerability classification from "Less vulnerable" to "More vulnerable". As such, there is a requirement for the applicant to undertake an Exceptions Test. The Exceptions Test requires that the applicant demonstrate that:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

The first part of the Exceptions Test requires the applicant to demonstrate the development provides wider sustainability benefits to the wider community and those benefits outweigh the flood risk. The applicant has indicated that the implementation of the application will bring part of a vacant building back in to use and will provide a new educational establishment for the community. However, given the vulnerability of the proposed use, I would question whether the benefits of locating a school in this location outweigh the risk and there has to be compelling evidence provided in the Flood Risk Assessment to negate my concerns.

A Flood Risk Assessment and a Flood Response Plan has been submitted to support the application. I understand that a previous application (01/17/00105) for a change of use to school with nursery was refused on flood risk grounds and, prior to submitting this application the applicant was advised to undertake further work to demonstrate that the benefits of the proposal would outweigh any residual risk following the implementation of a robust Flood Evacuation Plan. Officers from the Environment Agency, the Council's Land Drainage Team and the County Council's Emergency Planner have considered the supporting documents and have submitted comments regarding the application and have raised concerns about the Flood Risk Assessment and the Flood Evacuation Plan. Both have raised concerns over the scope and content of the evacuation plan and, consequently, raised objections to the application. Given the comments made, I consider that the information submitted by the applicant does not sufficiently address the Council's concerns and does not meet the requirements of the second part of the Exceptions Test.

The applicant has noted that the site falls within the defined Our City Our River area and has not considered the new defences in the Flood Risk Assessment. A hybrid application was approved by the Council in December 2015; this combined a full



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application for Package 1 of the programme and an outline application for Packages 2 and 3. Although Package 2 of the OCOR programme will offer improved protection, the exact location of the defences in relation to the site still remain unclear.

Policy CP2, criterion m, seeks to ensure that development is flood resilient and resistant. The applicant has set out a number of measures which will aim to improve resilience. Again, colleagues in Land Drainage will be in a better position to judge whether the measures proposed by the applicant ensure that the building is flood resilient.

### **Loss of Employment Land**

As stated previously, the site is designated as 'Existing Employment Land' and, as such, Policy CP10 is relevant. The policy seeks to ensure sustainable economic growth over the plan period but recognises that, in certain circumstances, it may be appropriate to redevelop some land or buildings for alternative uses. In this instance, the approval of previous planning applications has accepted the loss of employment land.

### **Provision of Community Facilities**

Policy CP21 sets out the Council's support for the provision of community facilities (which includes schools). The policy states that new facilities will:

1. be located where there is a choice of travel options, ideally such facilities should be located within existing centres and exploit opportunities for the co-location of facilities where opportunities arise
2. be designed to be in keeping with the general scale, character and levels of activity in the surrounding area and to provide satisfactory levels of amenity for users and those in surrounding areas

The application site is situated within the Central Business District, in close proximity to the City Centre. The applicant highlights that the site is accessible by foot/cycle and motor vehicles and is within walking distance of the bus station. Whilst the Central Business District is considered to be a sustainable location for development, further input from colleagues in Transport is needed to determine if, given that the site is located at the periphery of the CBD, the means of accessing the site are suitable. The applicant has indicated that accessing the site by bus is problematic; there is a bus stop close by for the inward journey but travellers will have to walk to the bus station for the outward journey; access to the City centre by foot or cycle is via a footbridge. Taking this information into account, and the location of the application site, I do have some concerns as to whether alternative methods of transport will be taken up. However, colleagues in Transport will be in a better position to determine if these solutions will help to promote a choice of travel options.

**Conclusion**

Whilst the re-use of a vacant building to provide a new educational facility in the City is welcomed, there are a number of concerns regarding this application; all of these issues will need the input from colleagues in the Council, the Environment Agency and the County Council.

The application site is located with Flood Zone 3 and, as a result, the applicant has to provide information to meet both the Sequential and Exceptions Tests. I note that objections have been raised by the Environment Agency, our Land Drainage Team and the County's Emergency Planning Team regarding the content and conclusions of the Flood Risk Assessment and the Flood Evacuation Plan. Until these issues have been resolved to the satisfaction of all concerned, I consider that the application fails to accord with the NPPF, the PPG and Policy CP2.

The principle of the loss of existing employment land has already been accepted through the approval of previous change of use planning applications; therefore there is no conflict with the requirements of CP10.

The site is also located within the Central Business District and the applicant has highlighted the variety of ways pupils and staff can access the site. I have highlighted that the application site is located on the periphery of the CBD and that colleagues from Transport will need to ascertain whether the proposals are suitable to promote alternative means of transport.

**5.2. Highways Development Control:**

These observations are primarily based upon the details shown on application drawings "SK1" and the accompanying Transport Assessment.

My colleague in Transport Planning has identified the impact of the proposals and has requested a generic contribution be sought to support transport infrastructure improvements on Derwent Street.

As part of the supporting information submitted with the application, the applicant has included a framework travel plan. The provision of a suitable travel plan can be separately conditioned.

Meadow Lane is a private road which has double yellow lines along both sides (these are not enforceable as they are on private land). The 'adopted' carriageway ends near the northwest corner of Northcliffe House.

There is a footway on the opposite side of Meadow Lane to the development; this also appears to be private.

The application has 38 car parking spaces (two suitable for disabled users), two mini-bus parking spaces and 44 cycle parking spaces (4 for staff) – such provision should be covered (this can be dealt with by condition); together with a "drop off area".

**Recommendation:**

Should the Local Planning Authority be minded to approve the application, the following suggested conditions are recommended.

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**Condition 1:**

No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided with the parking bays clearly delineated in accordance with the approved plan (SK01). The parking and turning areas shall not be used for any purpose other than parking and turning of vehicles

**Condition 2:**

The on-site drop-off facility shall remain unobstructed and available for all site users whenever the school buildings are in use, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:**

To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

**Condition 3:**

No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing "SK01" has been provided, and that area shall not thereafter be used for any purpose other than the parking of cycles.

**Condition 4:**

No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

**Reason:**

To promote sustainable travel.

**NOTES TO APPLICANT**

- N1. 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.
- N2. Advice regarding travel plans can be obtained from the Travel Plans Officer: Kerrie Jarvis; [kerrie.jarvis@derby.gov.uk](mailto:kerrie.jarvis@derby.gov.uk)
- N3. The consent granted will result in alterations to a building which will need naming and renumbering. 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](mailto:traffic.management@derby.gov.uk) with the number of the approved planning application and plans clearly showing the site, location in relation to existing land and property, and the placement of front doors or primary access.

### **5.3 Transport Planning**

#### Conclusions

- It is noted that the proposed Darwin Place link junction with Exeter Place/ Meadow Road will help to alleviate the existing congestion at the Exeter street junction during peak hours. However, this is only included within the OCOR masterplan as an outline application.
- Casual observations made by Derby City Council highlight that the congestion at the Exeter Street approach to the Derwent street junction may be worse than the modelling suggests.
- As mentioned above the car parking allocation is above the guidelines. However, it is noted that the extra spaces are to be used as a drop-off/ pickup area for parents. It is recommended that the parking be allocated between staff parking and drop-off/ pickup. This could be done in line with the proposed site plan, as the parking allocation is separated into 2 blocks. This measure will ensure that the capacity of the latter is not reduced. Reduction of this capacity will potentially lead to congestion on Meadow Lane and conflict between the busy national cycle route and the traffic.
- It is asked that the Travel Plan be conditioned as part of any planning approval.
- Due to the existing constraints, the additional traffic produced at the assessed junctions will have a notable accumulative impact. As such, it is recommended that a generic contribution is sought to support the transport infrastructure improvements on Derwent Street. Based on Derby City Council's contribution calculations the total amount is £28,857.

### **5.4. Land Drainage:**

I have reviewed the information supplied with the planning application and cannot recommend approval. As the Local Planning Authority will be aware, we have recently had severe concerns with two separate applications on this site which was proposed for a similar change of use (assembly and leisure of the general public including young children) but to a 'Less Vulnerable' use. Unfortunately, very similar concerns exist with this proposal especially given that, unlike the previous applications, this application proposes a change of use to the 'More Vulnerable' class according to Table 2 of the Planning Practice Guidance for Flooding and Coastal Change.

It appears from the development proposal that there will be a significant increase in the number of users of the site, in particular young children who will be highly vulnerable in a flooding event. This is coupled with the fact that information suggests that the onset of flooding could be rapid in this area of the city. Hazard rating for the flooding in this location (combined depth and velocity of water) is likely to be extremely high. This hasn't been evaluated adequately by the FRA.

The site is bounded to the east by the railway line, to the west by the river with the only access routes to the site via Meadow Lane to the north and a footbridge over the river. Meadow Lane to the north is generally much lower than the site and is likely to flood in advance of the site. It is not clear whether the footbridge would be a safe exit

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route during a flood. It is therefore possible that all egress routes would be cut off before the site itself floods.

I note that a flood evacuation plan has been submitted, but this fails to identify a suitable evacuation route that could be used once the Derwent has overtopped its banks and/or should the pumps draining Meadow Road and Eastgate fail. The route is likely to then become impassable and extremely hazardous to pedestrians and motorists alike. In the event of a Flood Warning, parents/guardians of the pupils of the school could be drawn into danger during an evacuation as they attempt to pick up their children, even prior to the site itself flooding.

I also note that the staff of the site will be signed up to the Flood Warning Service; however it is our view that this not an infallible arrangement in that a number of factors could result in a warning not being given in adequate time.

According to the EA flood modelling, part of the site will be affected by a 1 in 25 year event. This coincides with our records which show that a request for sand bags was made for this site in 2007 during a flood event on the river which was estimated to be in the order of a 1 in 20 year event.

The Our City Our River (OCOR) flood defence scheme will ultimately protect the site (up to a 1 in 100 year event). However this site is in Phase 2 of the scheme. It is my understanding that full funding to deliver the final stages of the project has not yet been fully identified so there is still some uncertainty of the final delivery program. It is therefore my view that until completion of the OCOR scheme and a workable and effective evacuation plan this will prove to be a hazardous a site for the type of development proposed. More Vulnerable development in this location is, in my opinion, not suitable and I would strongly recommend that a more appropriate location should be sought for this development.

I therefore object to the application.

### **5.5. Environmental Services (Health – Pollution):**

#### **Initial Comments:**

The proposal may be adversely affected by high levels of noise from the nearby railway line. In the supporting statement reference is made to a noise assessment, however this was not attached to the statement so therefore cannot be critically reviewed. In light of this, before a decision can be made on the appropriateness of this site for such a development, I would recommend that a comprehensive noise survey is undertaken, assessing the site against relevant criteria for Noise. A report of the assessment must be submitted to the Local Planning Authority for written approval, before a decision whether to grant permission or not should be made.

#### **Further Comments:**

The stated purpose of the report is to assess the impact of noise on the proposed development. Accordingly, it refers to the relevant Building Regulations, and BB93 specifically, that provide noise criteria for education spaces.

No assessment of noise breakout has been made, as noise sensitive receivers are relatively distant and "unlikely to be significantly affected".

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Significant noise sources are identified as being traffic from the A6 to the south and A601 to the west, and the adjacent rail line to the east.

A background noise level was established for the site; being 56dB(A) La90 (daytime); 55dB(A)La90 (evening) and 39dB(A)La90 (night).

Internal and external noise measurements were gathered to represent such areas of the proposed change of use. Primary noise sources were road traffic and rail traffic – the latter being primary to the eastern facade of the proposed change of use.

Measured 15 minute indoor ambient noise levels were averaged logarithmically, as follows: 35dB Laeq15min for rooms to the west facade; below 35dB Laeq15min for the south and east facades, this complying with the BB93 requirement (35dB Laeq15min).

All internal La1 (dB) levels were below the BB93 criteria (60dB La1 30mins). Impact of rainfall noise was also considered; BB93 requires the effect of heavy rain to not be more than 25dB above the indoor noise level. Roof design is mentioned, and possible replacement of light polycarbonate roof cladding if the underlying spaces will be for teaching purposes. Alternatively, these areas could be designed as non-teaching spaces (circulation spaces and atria). There is no definite consideration of this requirement.

Ventilation is detailed in terms of the different systems available, and likely suitability for use at the site. It is concluded that open windows (natural ventilation) would compromise the limits discussed above, and concludes either a hybrid system (passive vent with fan assist) or full mechanical system will be required. This reflects the ventilation system currently in place with the building. It is noted that summer ventilation (during the hottest weather) relaxes the relevant criteria – in this case, natural ventilation would be appropriate alongside the other methods.

With regards to plant noise arising from the proposed change of use, the impact on nearest residences is discussed briefly. The report proposes that, to ensure minimal impact, plant noise limits be 5dBA below established background noise levels at the nearest residences. This would equate to: 51dB(A) La90 (daytime); 50dB(A)La90 (evening) and 34dB(A)La90 (night).

The report concludes that: the shell of the building (including double glazing) is fit for the proposed purpose; ventilation measures appropriate to BB93 will need to be provided; plant noise shall remain within the limits set.

### **Conclusions and Recommendations**

The submitted assessment draws reasonable conclusions, and I consider the recommendations/noise limits stated should form a planning condition, if permission is granted.

Additionally, it is noted that (in addition to building regulations and BB93) the development is required to comply with the School Premises Regulations and Independent Schools Standards (where applicable) with regards to speech intelligibility. This will be reflected in the suggested condition below.

Given the above, I would recommend the following condition(s):

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- 1 With regards to noise specifically, the proposed conversion shall have regard to: relevant Building Regulations; BB93; School Premises Regulations and Independent Schools Standards; and the submitted noise assessment.
  - 2 The submitted noise assessment (Northcliffe House, Derby, Noise Assessment, Report reference: 17/0663/R1. 8th January 2018. Authored by Cole Jarman Ltd) concludes that the existing building is suitable for the proposed use. The conclusions of this report shall be borne in mind during the proposed conversion works, in order to ensure that assumptions, observations and conclusions made in the report are not compromised by works subsequent to the noise assessment. Where works to enable the change of use compromise, or have the potential to compromise, the established noise climate within the development, the impact of such shall be submitted to the Local Planning Authority for approval.

### **5.6. Environment Agency:**

#### Initial Comments:

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

#### Reason

We consider that the FRA submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework, and does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

1. The submitted FRA states that the site will be defended by the 'Our City Our River' flood defences but this area lays in Phase 2 of the scheme (which is yet to be agreed). Therefore we cannot consider the future flood defences, but only the existing ones.
2. Residual risk from flood defences overtopping and breach have to be assessed within the FRA; in order to identify the impact in these scenarios to the site and site users.
3. As noted in the FRA, the site is likely to flood from events with a return period of 1 in 50 years onwards and higher than 1m in design floods (1 in 100 year event plus Climate Change). This depth and the rapid velocities on site would result in 'Danger for all' according to document FD2320).
4. Access and egress identified is below the 1 in 100 year flood level and therefore, it cannot be considered adequate. The neighbourhood streets will also be affected when the site get flooding, according to the hydraulic models for this area. We would like to highlight that first floor of the building should not be used as refuge as the building would be isolated in the event of flooding.

We have previously raised our concerns about another separate application on this site for a similar use. We consider that the current application raise very similar concerns as the previous one and therefore, we would like to recommend an objection.

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### Overcoming our objection

You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

### Further Comments:

I refer to our previous letter in which we objected to the application above in the absence of an adequate Flood Risk Assessment (FRA). We have since received an email from your Authority, in which you have asked us to clarify our stance following queries from the applicant's agent. We would like to take this opportunity to present our response, as follows.

### Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the proposal as currently submitted and recommend refusal on this basis for the following reasons:

### Reason

It is our opinion that the FRA submitted with this application does not comply with the requirements set out in the National Planning Policy Framework (NPPF), nor the associated Planning Practice Guidance (PPG). The FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Whilst we agree that the FRA has correctly assessed the flood risks to the site under current conditions, from multiple sources of flooding, the FRA fails to assess known future scenarios such as the committed Phase 2 works of the 'Our City Our River' (OCOR) flood defence improvement scheme. The application site is within the area which will benefit from Phase 2 of these works and so the FRA needs to consider and assess the flood risks to the site once those committed defences are in place. As part of this assessment the FRA should specifically assess the residual risks to the development and future occupants associated with a failure of the defences, i.e. during the breach and overtopping scenarios, including an allowance for climate change. The FRA should establish the flood hazard rating to the site, during these events, using the UK hazard rating guidance which is set out in document FD2320 'Flood Risk Assessment Guidance for New Development'. Without this information, we are currently unable to advise your Authority on the flood risks to the development and future occupants.

Please note that we have considered all of the documents submitted in support of this planning application in making these comments. The Environment Agency are a statutory consultee on flood risk matters for this planning application; we would like to highlight that our comments have been provided purely in our role as a statutory consultee.



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### Overcoming our objection

The applicant can overcome this aspect of our objection by submitting an amended FRA which covers the deficiencies highlighted above and demonstrates the development will be safe from flooding, without increasing flood risk elsewhere.

We ask to be formally re-consulted once an amended FRA has been submitted, and we will then provide further comments within 21 days. Please note our objection will be maintained until an adequate FRA has been submitted and approved.

### Informative advice to the LPA.

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that your Authority give due consideration to the issues below, and consultation be undertaken with the relevant experts where necessary. Issues are:

- Details and adequacy of an emergency plan;
- Adequacy of rescue or evacuation arrangements;
- Provision of and adequacy of a temporary refuge.

The supporting FRA (Canham Consulting, dated 16 January 2017) states that, under current conditions, the site is likely to flood to depths greater than 1.0m during the design flood (1 in 100 year event, plus Climate Change). The FRA classifies these depths and velocities as 'Danger for all' according to the UK hazard rating outlined in document FD2320. The FRA proposes to manage this residual risk by way of flood warning, evacuation planning and first floor refuge; a matter which falls outside of our remit as a statutory consultee. The PPG makes clear that the Local Planning Authority are responsible for determining the adequacy of flood warning and evacuation plans, in consultation with emergency planners.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to new development. It is not our role to comment on or approve the adequacy of these plans and we would expect LPA's, through their Emergency Planners, to formally consider the implication of this in making their decision.

Please note that the LPA must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety (including safe refuges within buildings) and the ability of the emergency services to access such buildings to rescue and evacuate those people.

**5.7. Network Rail**

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of Midland Mainline railway which is due to be electrified in the near future.

Firstly, it is noted that the development is near to a railway access point (pedestrian access gate in the palisade fence on the east boundary of the car park) as shown below. It is imperative that Network Rail's access rights are maintained and that our ability to use this access gate is not obstructed in anyway during construction work or during subsequent operation of the site. Access is required on a 24/7 basis.

There are some further requirements which must be met; these deal with:

- Fail Safe Use of Crane and Plant
- Appropriate Trees/Shrubs/Landscaping
- Lighting
- Access to Railway
- Children's Play Areas/Open Spaces/Amenities

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular the lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

**5.8. Emergency Planning Officer:**

I have reviewed the information supplied with the planning application, particularly the FRA, and cannot recommend approval.

I am in agreement with a number of points made by my colleague from Derby City (Highways, Land Drainage, Communities and Place), which relate to my Emergency Planning concerns.

With regards to the flood evacuation plan, including signing up to the EA Flood Warning Service, there is no guarantee that the flood warning alone would be given in adequate time to allow a safe evacuation. Although mention is made of evacuation routes, these can only apply if these routes are still dry, and as site is bounded by the railway line and the river Derwent, this leaves the only access routes to the site via Meadow Lane to the north and a footbridge over the river. Meadow Lane topographically is lower than the site and is likely to flood in advance of the site. It is also not made clear whether the foot bridge would be a safe exit route during a flood. It is therefore possible that all egress routes would be cut off before the site itself floods. In addition the flood warning and evacuation plan fails to identify a suitable evacuation route if, as could be the case that the Derwent has overtopped its banks and/or if any assets draining Meadow Road and Eastgate fail. The route is likely to then become impassable and extremely hazardous to pedestrians and motorists

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alike. If a Flood Warning were issued this could lead to parents/guardians of the pupils of the school being drawn into danger during an evacuation as they attempt to pick up their children, even prior to the site itself flooding.

I would recommend that that a more appropriate location be sought for this type of 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.

#### City of Derby Local Plan Review (Adopted 2006) Saved Policies

GD5    Amenity  
E24    Community Safety  
T10    Access for Disabled People

#### Derby City Local Plan – Part 1: Core Strategy

CP1(a) Presumption in favour of Sustainable Development  
CP2    Responding to Climate Change  
CP10   Employment Locations  
CP21   Community Facilities  
CP23   Delivering a Sustainable Transport Network  
AC1    City Centre Strategy  
AC2    Delivering a City Centre Renaissance  
AC4    City Centre Transport & Accessibility  
AC8    Our City Our River  
MH1    Making it Happen

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](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy%20ADOPTED%20DEC%202016%20V3%20WEB.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\\_2017.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR_2017.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.

**7.1. Land Use Planning Issues:**

**7.2. Flood Risk Issues**

**7.3. Highways Issues**

**7.4. Other Environmental Issues**

**7.1 Land Use Planning Issues:**

The site of the proposal is an existing employment area within the CBD and the Eastern Fringes on the eastern edge of the city centre. Within this area, Core Strategy Policy CP10 allows for alternative uses in existing employment areas where it can be demonstrated that the alternative use would benefit the economy of the city or other strategic objectives of the development plan; existing land or buildings no longer meet modern requirements and that they have been adequately marketed for employment uses for a reasonable period of time; the employment land supply would not be unduly affected in terms of quantity or quality and surrounding uses would not be adversely affected.

The building has been vacant for a number of years and its change of use would not unduly affect the employment land supply. With regards to the first criterion, policy CP10 supports projects and investment to improve social vibrancy of the OCOR area.

Policy AC2 supports the regeneration of the former Derby Telegraph site, subject to the satisfactory relocation of existing business, which has already occurred and the implementation of the OCOR programme.

Policy CP21 requires that new community facilities to be located where there is a choice of travel options, ideally such facilities should be located within existing centres and exploit opportunities for the co-location of facilities where opportunities arise; to be designed to be in keeping with the general scale, character and levels of activity in the surrounding area and to provide satisfactory levels of amenity for users and those in surrounding areas; and to make a positive contribution towards safeguarding and creating sustainable communities, promote social inclusion and reduce deprivation.

It is considered that, subject to consideration of flood risk and highways issues, the principle of the use is acceptable and in accordance with key policies which deal with employment land supply and community facilities.

**7.2 Flood Risk Issues:**

The previous application was refused on flood risk grounds, as the application site is situated in Flood Zone 3 and therefore at high risk of flooding in a 1 in 100 year event. The proposal involves a change to a use categorised as 'more vulnerable', in this case to a school. The previous application had failed to satisfactorily demonstrate

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that a safe access and escape route could be achieved. The refusal considered that the wider community benefits arising from the proposal would not outweigh the harm arising from the significant flood risk.

The current proposal has put forward further information to address and overcome the above concerns. However, significant objections have been maintained by the Environment Agency, Land Drainage and Derbyshire County Council's Emergency Planning Officer.

The Environment Agency consider that the Flood Risk Assessment (FRA) has failed to assess known future scenarios such as the committed Phase 2 works of the 'Our City Our River' (OCOR) flood defence improvement scheme and the residual risks to the development and future occupants associated with a potential failure of the flood defences. Although further information has been submitted, the EA maintain their objection.

The Land Drainage Officer is of the view that until the completion of the OCOR scheme and a workable and effective evacuation plan this site will prove to be hazardous for the type of proposed development. "More Vulnerable" development in this location is considered to be unsuitable and a more appropriate location should be considered. These concerns are reiterated by the Emergency Planning Officer.

Given the above comments, it is considered that the flood risk reasons for refusal from the previous proposal have not been satisfactorily overcome.

### **7.3 Highways Issues:**

The previous application was also refused on highway grounds, as insufficient information had been submitted to enable a full assessment of the impact of the development upon the local highway network, and any required mitigation.

A Transport Statement and Travel Plan have been submitted with the current application and these were revised during the course of the application. These advise that the access arrangements will remain as existing, via Meadow Road which becomes Meadow Lane. The car park situated towards the entrance of the building will be maintained with a drop off zone allocated for parents.

The Highways Officer raises no objections to the traffic impact and parking/ access arrangement. The application includes adequate car parking and disabled spaces, two mini-bus parking spaces, 44 cycle parking spaces and a "drop off area". It is considered that such provision is satisfactory and can be covered by way of a planning condition.

It is accepted that the proposed Darwin Place link junction with Exeter Place/ Meadow Road will help to alleviate the existing peak congestion. The proposed car parking allocation is over and above the guidelines for school use. The extra parking spaces are to be used as a drop-off/ pickup area for parents. The parking should be allocated between staff parking and drop-off/ pickup, to ensure that capacity of the latter is not reduced. The submitted Travel Plan will need to be conditioned as part of any planning approval. Due to the additional traffic produced at the assessed road junctions having a notable cumulative impact, the Highways Officer has requested a

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generic Section 106 contribution to support transport infrastructure improvements on Derwent Street.

Given the above recommended planning conditions and Section 106 contributions, it is considered that the previous highways reason for refusal has been satisfactorily overcome and the proposal is therefore compliant with adopted Policy CP23 and saved Policy T10.

### **7.4 Other Environmental Issues:**

A noise assessment has been submitted, which is considered to be satisfactory by the Environmental Health Officer.

Subject to conditions and informative notes no objections have been raised to the proposed development by Network Rail on the grounds of railway safety.

#### **Conclusions:**

The Council consider that the wider benefits arising from the proposal do not outweigh the significant harm arising from the flood risk to the users of the school and recommend that the application is refused. Accordingly the proposed development would be contrary to the guidance contained within Policy CP2 of the adopted Local Plan - Part 1 and the overarching guidance in the NPPF.

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

### **8.1. Recommendation:**

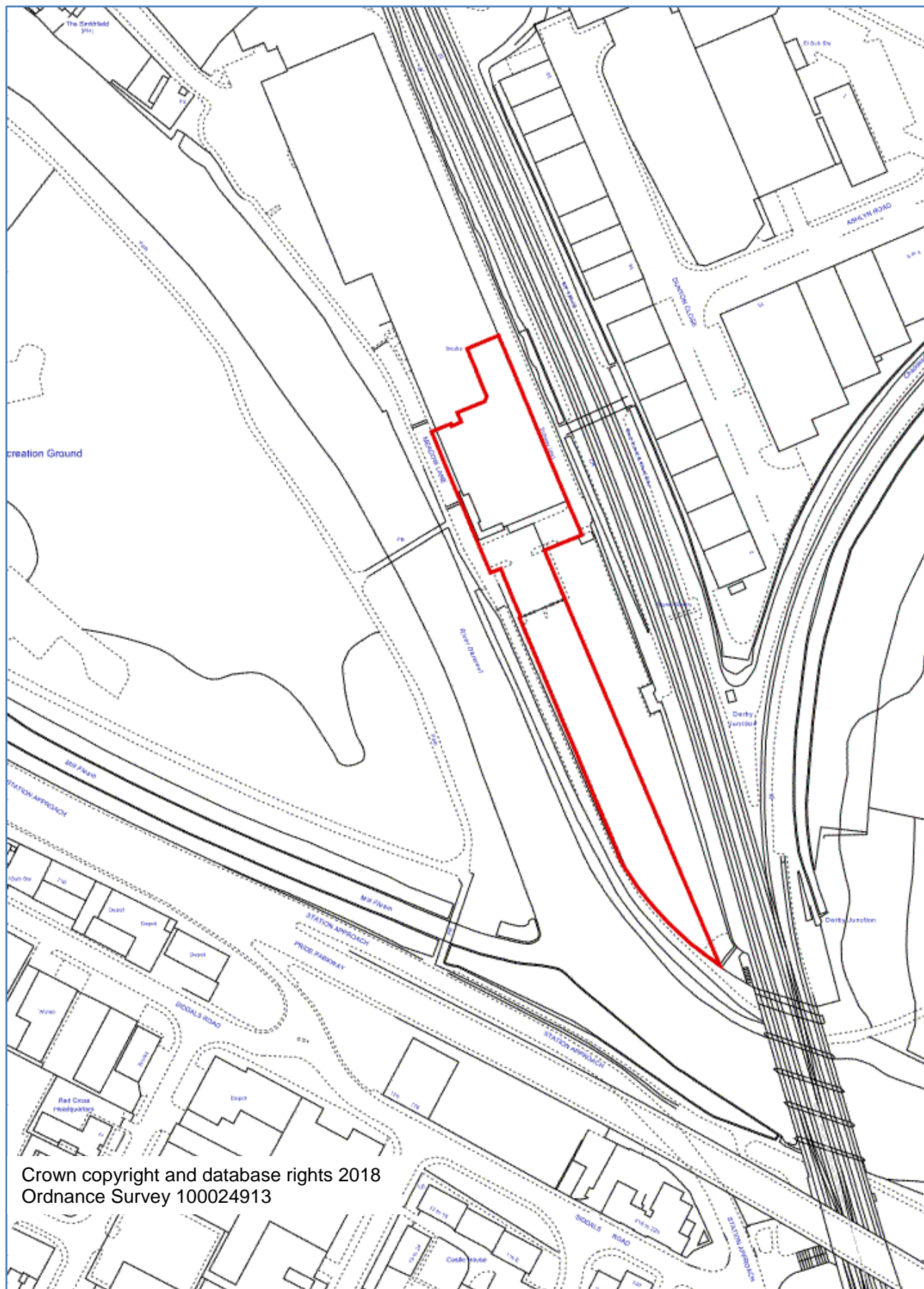
**To refuse** planning permission for the following reasons:

1. The application site is situated in Flood Zone 3, which is an area deemed to be at a high risk of flooding. The proposal involves a change of use from a use categorised as 'less vulnerable' according to Table 2 of the Planning Practice Guidance to a use categorised as 'more vulnerable'. Based on advice from the Environment Agency and the City Council's Land Drainage Team, the Local Planning Authority considers that the submitted application fails to fully assess the increasing vulnerability on site and fails to satisfactorily demonstrate that a safe access and escape route above the 1 in 100 year flood level can be achieved for future occupiers of the building. It is acknowledged that the Our City Our River (flood defence works) will protect the site in the longer term (up to a 1 in 100 year event) but this project is yet to be undertaken or completed and as yet there is no certainty as to the timescale for completion. Accordingly the provision of such flood defences cannot be relied upon. In this instance the Local Planning Authority feels that the wider community benefits arising from the proposal do not outweigh the harm arising from the flood risk. Ultimately the application fails to demonstrate that the development will be safe for its lifetime by virtue of the aforementioned flood risk issues, and conditions cannot overcome this fundamental concern. As such the proposal is considered to be contrary to the advice set out in the National Planning Policy Framework and Policy CP2 (Responding to Climate Change) of the Derby City Local Plan - Part 1 (Core Strategy).

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## Derby City Council

Delegated decisions made between 01/04/2018 and 30/04/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/17/00002/PRI	Full Planning Permission	11 Mill Street, Derby, DE1 1DY	Two storey extension and change of use from retail and business (use class A1/B1) to eight apartments (use class C3) including alterations to the elevations	Granted Conditionally	27/04/2018
01/17/00003/PRI	Full Planning Permission	Site of 45-47 Mount Street, Derby	Demolition of two dwelling houses and ten garages. Erection of a supermarket (use class A1) and 20 student studios/flats (use class C3)	Granted Conditionally	25/04/2018
03/17/00297/DCC	Local Council own development Reg 3	Land between The Furnace PH and 45 Duke Street, Derby (former Britannia Court)	Erection of apartment block (26 apartments) (use class C3) and flood wall.	Granted Conditionally	30/04/2018
05/17/00604/PRI	Full Planning Permission	Former Rolls Royce Car Park, Dunstall Park Road, Derby, DE24 8HJ	Erection of 6 buildings to form 14 x mixed B1/B8 units	Granted Conditionally	06/04/2018
06/17/00864/PRI	Full Planning Permission	24 Saltburn Close, Derby, DE21 4GG	Erection of a detached garage	Refuse Planning Permission	20/04/2018
07/17/00887/PRI	Full Planning Permission	57 Rosehill Street, Derby, DE23 8GB	Two storey rear extension and change of use to form four bedsits (use class C3)	Granted Conditionally	19/04/2018
07/17/01002/PRI	Full Planning Permission	Remit Group, Wincanton Close, Derby (Former Pattonair)	Inclusion of use class D1 (non-residential institution) in the permitted uses for the building	Granted Conditionally	25/04/2018
08/17/01052/PRI	Full Planning Permission	114 Brighton Road, Alvaston, Derby	Alterations to include installation of a new roof, raising of the roof height to form an additional storey, installation of new windows and doors and change of use of the ground floor from a hot food takeaway to form six flats (use class C3)	Refuse Planning Permission	09/04/2018
08/17/01102/PRI	Certificate of Lawfulness Existing Use	Land east of 37 Crompton Street, Derby	Lawful use as a public car park for approximately 31 vehicles	Granted	04/04/2018



Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/17/01149/PRI	Outline Planning Permission	Garage block to the west of 122 Porter Road, Derby	Demolition of garages. Erection of apartment block (maximum of eight units)	Granted Conditionally	05/04/2018
09/17/01197/PRI	Full Planning Permission	5 St. Johns Terrace, Derby	Erection of an outbuilding (shed)	Granted Conditionally	13/04/2018
09/17/01198/PRI	Listed Building Consent - alterations	5 St. Johns Terrace, Derby	Erection of an outbuilding (shed)	Granted Conditionally	13/04/2018
09/17/01240/PRI	Full Planning Permission	1 Malcolm Street, Derby	Demolition of store. Erection of storage building, formation of hard surfacing and installation of entrance gates	Granted Conditionally	27/04/2018
09/17/01248/PRI	Full Planning Permission	19 Lawn Heads Avenue, Littleover, Derby	Two storey side and rear and single storey front and rear extensions to dwelling house (porch, cloaks, study, utility room, day area, three bedrooms, en-suite, bathroom and enlargement of kitchen) and formation of rooms in the roof space (bedroom, dressing room and en-suite)	Granted Conditionally	03/04/2018
10/17/01278/PRI	Full Planning Permission	25 Tresillian Close, Darley Abbey, Derby	Side extension to dwelling and raising of the roof height to create rooms in the roof space (kitchen/living/dining area, bedroom, bathroom, living space and storage)	Granted Conditionally	11/04/2018
10/17/01285/PRI	Local Council own development Reg 3	52 Hanbury Road, Chaddesden, Derby	Single storey rear extension to dwelling house (bedroom, bathroom and kitchen/lounge) and installation of an access ramp	Granted Conditionally	19/04/2018
10/17/01326/PRI	Full Planning Permission	152 Havenbault Lane, Littleover, Derby	Two storey side and single storey front and rear extensions to dwelling house (study, w.c, utility, kitchen, snug, bedroom and en-suite) together with formation of rooms in roof space (bedroom and en-suite)	Granted Conditionally	10/04/2018
10/17/01348/PRI	Variation/Waive of condition(s)	6 Mileash Lane, Darley Abbey, Derby	First floor side extension to dwelling house (bedroom and en-suite) and erection of a detached garage - variation of condition 2 of previously approved planning permission Code No. DER/10/16/01260 to amend the position of the garage and raise the bedroom ceiling height	Granted Conditionally	25/04/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/17/01401/PRI	Full Planning Permission	7 Chelmarsh Close, Chellaston, Derby	Erection of an outbuilding (garden room)	Granted Conditionally	13/04/2018
11/17/01430/PRI	Full Planning Permission	Land at the rear of 37 Brackensdale Avenue, Derby (access off Greenwich Drive South)	Erection of a dwelling house (use class C3)	Refuse Planning Permission	13/04/2018
11/17/01510/PRI	Full Planning Permission	54 Lambourn Drive, Allestree, Derby	Formation of a verandah at first floor level	Granted Conditionally	13/04/2018
11/17/01551/PRI	Full Planning Permission	Land at the side of 16 Lewiston Road, Chaddesden, Derby	Erection of a dwelling house (use class C3)	Granted Conditionally	04/04/2018
12/17/01566/PRI	Full Planning Permission	54 Keldholme Lane, Alvaston, Derby	Installation of replacement windows	Granted Conditionally	18/04/2018
12/17/01605/PRI	Full Planning Permission	28 Kingsley Road, Allestree, Derby	First floor front and single storey side and rear extensions to dwelling house (lobby, garage, games room, enlargement of kitchen/dining area and landing and formation of balcony to the rear elevation)	Granted Conditionally	05/04/2018
12/17/01667/PRI	Full Planning Permission	54 Windley Crescent, Darley Abbey, Derby	Two storey and single storey side extensions to dwelling house (dining area, utility, study, bedroom and bathroom)	Granted Conditionally	10/04/2018
01/18/00001/PRI	Full Planning Permission	59 Wardwick, Derby	Change of use from retail (use class A1) to restaurant and bar (use classes A3 and A4) including installation of an extraction flue to the rear elevation	Withdrawn Application	09/04/2018
01/18/00015/PRI	Full Planning Permission	6 Cherrydale Court, Littleover, Derby	Two storey rear extension to dwelling house (two en-suites and enlargement of lounge/dining/kitchen area and three bedrooms) including installation of new windows to the first floor side elevation	Granted Conditionally	09/04/2018
01/18/00021/PRI	Full Planning Permission	Site of 116 St. Chads Road, Derby	Demolition of the existing dwelling and other engineering operations, including lower ground levels and retaining structures. Erection of a replacement dwelling house (use class C3) and garden store.	Refuse Planning Permission	05/04/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/18/00040/PRI	Works to Trees under TPO	32-34 Ashbourne Road, Derby (Georgian House Hotel)	Crown lift to 3m, crown thinning of canopy by 10%, crown clean, removal of deadwood and branch reduction of uppermost branches by up to 1.5m of a Willow tree protected by Tree Preservation Order no. 539	Granted Conditionally	09/04/2018
01/18/00045/PRI	Full Planning Permission	16 Gisborne Crescent, Allestree, Derby	Single storey side and rear extensions to dwelling house (store, utility, w.c. and enlargement of kitchen), formation of a raised patio area and installation of hard surfacing	Granted Conditionally	13/04/2018
01/18/00056/PRI	Certificate of Lawfulness Proposed Use	16 Sydenham Road, Derby	Installation of a dormer window to the rear elevation	Granted	17/04/2018
01/18/00057/PRI	Full Planning Permission	19 Rowley Lane, Littleover, Derby	Raising of the existing roof height, installation of dormers to the front and rear elevations, two storey and single storey extensions to dwelling house and installation of glazing to the front elevation	Granted	18/04/2018
01/18/00066/PRI	Works to Trees under TPO	63 & 65 South Avenue, Chellaston, Derby	Reduction of 1 decayed branch by 2.5m (T1) and crown lift to 4m and crown thin by 15% of two Horse Chestnut trees protected by Tree Preservation Order no. 74	Granted Conditionally	05/04/2018
01/18/00068/PRI	Full Planning Permission	156 Blenheim Drive, Allestree, Derby	First floor side and single storey front, side and rear extensions to dwelling house (study, w.c., utility, family area, bedroom and enlargement of kitchen and lounge)	Granted Conditionally	10/04/2018
01/18/00077/PRI	Full Planning Permission	34 Lawn Heads Avenue, Littleover, Derby	Two storey side and single storey rear extensions to dwelling house (study, wet room, utility, kitchen, two bedrooms and bathroom)	Granted Conditionally	20/04/2018
01/18/00085/PRI	Advertisement consent	DW Sports, Derwent Parade, Pride Park, Derby	Display of various signage including an internally illuminated digital screen	Granted Conditionally	16/04/2018
01/18/00099/PRI	Works to Trees under TPO	8 Old Chester Road, Derby	Various works to trees protected by Tree Preservation Order no. 365	Granted Conditionally	09/04/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/18/00106/PRI	Works to Trees under TPO	14 Chevin Avenue, Mickleover, Derby	Crown Lift 3-4 Metres and Prune to give 2.5 Metres Clearance to the Dwelling 14 Langwith Close of an Oak Tree Protected by Tree Preservation Order no. 491	Granted Conditionally	03/04/2018
01/18/00108/PRI	Variation/Waive of condition(s)	Land off Hudson Way, Pride Park, Derby	Retention of change of use to public car park for temporary period (two years) - variation of condition 1 of previously approved permission Code No. DER/01/13/00095 to extend the time period	Granted Conditionally	20/04/2018
01/18/00110/PRI	Works to Trees under TPO	80A Chestnut Avenue, Mickleover, Derby	Felling of a Horse Chestnut tree protected by Tree Preservation Order No 8	Refuse Planning Permission	09/04/2018
01/18/00121/PRI	Full Planning Permission	3-4 Royal Buildings, Victoria Street, Derby	Change of use of part of unit from retail (use class A1) to a tanning studio (sui generis use)	Granted Conditionally	04/04/2018
01/18/00126/PRI	Works to Trees under TPO	10 Chaffinch Close, Spondon, Derby	Crown reduction by 2.5m, crown lift to 5m and deadwooding of three Oak trees protected by Tree Preservation Order no. 110	Granted Conditionally	13/04/2018
01/18/00131/PRI	Full Planning Permission	40-44 Longbridge Lane, Derby	Erection of a 1.8m high boundary fence and gates and installation of new entrance doors to unit 44	Granted Conditionally	05/04/2018
01/18/00132/PRI	Full Planning Permission	Plot 250B, Ascot Business Park, Longbridge Lane, Derby	Retention of the erection of a 2.4m high boundary fence and gates	Granted Conditionally	04/04/2018
01/18/00133/PRI	Works to Trees under TPO	161 Morley Road, Oakwood, Derby	Felling of two Ash trees protected by Tree Preservation Order No.42	Granted Conditionally	13/04/2018
01/18/00134/PRI	Full Planning Permission	Former Quarndon Electronics Ltd, Slack Lane, Derby	Alterations to the external appearance to include the installation of doors, windows, external staircases and render	Granted Conditionally	16/04/2018
01/18/00139/PRI	Works to Trees under TPO	34 Park Road, Spondon, Derby	Crown reduction by 1.5 metres of a Sycamore tree protected by Tree Preservation Order No.301	Granted Conditionally	10/04/2018
01/18/00143/PRI	Full Planning Permission	83 St. Albans Road, Derby	Two storey side extension to dwelling house (kitchen, dining area, two bedrooms and bathroom)	Granted Conditionally	27/04/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/18/00144/PRI	Full Planning Permission	19 Brick Row, Darley Abbey, Derby	Single storey front, side and rear extensions to dwelling house (porch, two bedrooms, en-suite, dining and sitting area and garage)	Granted Conditionally	05/04/2018
01/18/00145/PRI	Full Planning Permission	25 Shamrock Street, Derby	Single storey side and rear extensions to dwelling (wet room and kitchen/dining room) and installation of a dormer to the rear elevation	Granted Conditionally	05/04/2018
01/18/00147/PRI	Full Planning Permission	Former T C Harrison Site, Chequers Road, West Meadows Industrial Estate, Derby	Change of use to builders' merchants with trade counter and ancillary retail sales (sui generis use) with storage and distribution (use class B8)	Granted Conditionally	05/04/2018
01/18/00148/PRI	Advertisement consent	Former T C Harrison Site, Chequers Road, West Meadows Industrial Estate, Derby	Display of two non-illuminated fascia signs and one non-illuminated freestanding sign	Granted Conditionally	05/04/2018
01/18/00150/PRI	Full Planning Permission	40 Lawnside, Spondon, Derby	Two storey side extension to dwelling house (garage, utility, bedroom and en-suite)	Granted Conditionally	10/04/2018
01/18/00151/PRI	Works to Trees under TPO	7 New Orchard Place, Mickleover, Derby	Crown reduction by 1.5m of an Oak tree protected by Tree Preservation Order No. 295	Granted Conditionally	17/04/2018
01/18/00152/PRI	Full Planning Permission	45 Station Road, Mickleover, Derby	Enlargement of cattery building to provide six additional pens, storage and exercise areas	Granted Conditionally	25/04/2018
01/18/00155/PRI	Full Planning Permission	Land at the side of 41 Marylebone Crescent, Derby	Erection of a dwelling house (use class C3)	Refuse Planning Permission	05/04/2018
02/18/00165/PRI	Full Planning Permission	St. Josephs Catholic Primary School, Mill Hill Lane, Derby	Single storey extension to school (two classrooms)	Granted Conditionally	19/04/2018
02/18/00167/PRI	Full Planning Permission	Cotton Shed, Darley Abbey Mills, Haslams Lane, Derby	Change of use from motor car servicing and repair garage (use class B2) to cafe (use class A3) for use in connection with the West Mill wedding venue and mill managers accommodation including installation of new doors	Granted Conditionally	16/04/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/18/00168/PRI	Listed Building Consent - alterations	Cotton Shed, Darley Abbey Mills, Haslams Lane, Derby	Alterations in association with the change of use from a garage to a cafe for use in connection with the West Mill wedding venue and mill managers accommodation including installation of new external doors, a glazed entrance lobby, partitioning screen and a mezzanine level with stair case	Granted Conditionally	16/04/2018
02/18/00171/PRI	Full Planning Permission	43 Blenheim Drive, Allestree, Derby	Single storey side and rear extensions to dwelling house (kitchen/dining/snug area)	Granted Conditionally	20/04/2018
02/18/00174/PRI	Advertisement consent	Aldi, Normanton Road, Derby	Display of one vinyl window graphic	Granted Conditionally	10/04/2018
02/18/00177/PRI	Full Planning Permission	293 Uttoxeter Road, Mickleover, Derby	Two storey side and single storey rear extensions to dwelling house (store, wet room, utility, dining room, bedroom, bathroom and enlargement of kitchen), installation of a rear dormer and enlargement of outbuilding (store)	Granted Conditionally	05/04/2018
02/18/00180/PRI	Full Planning Permission	148 Willson Avenue, Littleover, Derby	Erection of a detached garage	Refuse Planning Permission	25/04/2018
02/18/00181/PRI	Variation/Waive of condition(s)	First floor, Derwent Valley Medical Centre, 16 St. Marks Road, Derby	Installation of 7 windows at first floor level - variation of condition 2 of previously approved planning permission Code No. DER/02/17/00230 to include an additional window to the west elevation	Granted Conditionally	20/04/2018
02/18/00183/PRI	Variation/Waive of condition(s)	Derwent Valley Medical Centre, 16 St. Marks Road, Derby	Single storey side extension to medical centre (office) - variation of condition 2 of previously approved planning permission Code No. DER/07/17/00876 to amend the internal layout, window and door location and include additional windows	Granted Conditionally	20/04/2018
02/18/00190/PRI	Works to Trees in a Conservation Area	35 Park Road, Spondon, Derby	Height reduction by 3m and cutting back of two branches of a Cedar Tree and felling of Beech Tree within the Spondon Conservation Area	Raise No Objection	04/04/2018
02/18/00205/PRI	Full Planning Permission	722 London Road, Derby	Formation of a vehicular access	Granted Conditionally	09/04/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/18/00206/PRI	Full Planning Permission	26 Lambley Drive, Allestree, Derby	Single storey side extension to dwelling house (store)	Granted Conditionally	09/04/2018
02/18/00208/PRI	Full Planning Permission	154 Upper Dale Road, Derby	First floor extension to a commercial unit to form a flat (use class C3) including installation of an external staircase	Granted Conditionally	05/04/2018
02/18/00210/PRI	Local Council own development Reg 3	82 Sinfin Avenue, Shelton Lock, Derby	Single storey rear extension to dwelling house (bedroom and wet room)	Granted Conditionally	06/04/2018
02/18/00211/PRI	Full Planning Permission	34 Hartington Way, Mickleover, Derby	Two storey side and single storey side and rear extensions to dwelling house (snug, utility room, w.c., en-suite and enlargement of kitchen and bedroom)	Refuse Planning Permission	05/04/2018
02/18/00212/PRI	Full Planning Permission	65 Fairway Crescent, Allestree, Derby	Single storey side extension to dwelling house (utility and shower room) and installation of a replacement bay window to the front elevation	Granted Conditionally	19/04/2018
02/18/00213/PRI	Full Planning Permission	35 Livingstone Road, Derby	Single storey side and rear extensions to dwelling house (w.c., dining room, kitchen and reception room)	Granted Conditionally	09/04/2018
02/18/00214/PRI	Full Planning Permission	Land adjacent to 67 Arundel Street, Derby	Erection of a dwelling house (use class C3)	Granted Conditionally	28/04/2018
02/18/00215/PRI	Advertisement consent	10 Chequers Road, West Meadows Industrial Estate, Derby (Mercedes Benz)	Display of various signage	Granted Conditionally	10/04/2018
02/18/00216/PRI	Advertisement consent	Land at the junction of Burton Road and Swinburne Street, Derby (adjacent to 1 Swinburne Street)	Display of one non-illuminated advertisement hoarding	Refuse Planning Permission	10/04/2018
02/18/00222/PRI	Full Planning Permission	23 Hollies Road, Allestree, Derby	Single storey side and rear extensions to dwelling house (garage, utility, family room and enlargement of kitchen) and alterations to the raised patio area	Granted Conditionally	17/04/2018
02/18/00223/PRI	Full Planning Permission	29 Moulton Avenue, Spondon, Derby	Erection of a detached garage and engineering works including extension of the existing retaining wall	Refuse Planning Permission	24/04/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/18/00226/PRI	Full Planning Permission	9 Melfort Close, Sinfin, Derby	Single storey rear extension to dwelling (en-suite)	Granted Conditionally	10/04/2018
02/18/00238/PRI	Certificate of Lawfulness Proposed Use	34 Jubilee Road, Shelton Lock, Derby	Single storey side extension to dwelling house (enlargement of kitchen)	Refuse Planning Permission	17/04/2018
02/18/00241/PRI	Prior Approval - Householder	17 Hayes Avenue, Derby, DE23 6JU	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 2.84m, height to eaves 2.83m) to dwelling house	Prior Approval Not required	27/04/2018
02/18/00244/PRI	Full Planning Permission	109 Moorside Crescent, Sinfin, Derby	Single storey side extension to dwelling house (family/sitting area)	Granted Conditionally	25/04/2018
02/18/00245/PRI	Full Planning Permission	40 St. Marys Gate, Derby	Retention of the installation of CCTV cameras to the front elevation	Granted Conditionally	30/04/2018
02/18/00246/PRI	Listed Building Consent - alterations	40 St. Marys Gate, Derby	Repairs to existing stone columns and plinths, repairs and reinstatement of boot scrapers, removal of brick infill to former cellar drop and insertion of a new shaped stone infill piece and retention of existing CCTV cameras	Granted Conditionally	27/04/2018
02/18/00248/PRI	Full Planning Permission	20 Colwyn Avenue, Derby	Two storey side and rear extensions to dwelling house (garage, kitchen/dining area, three bedrooms, en-suite, bathroom and dining area)	Granted Conditionally	19/04/2018
02/18/00249/PRI	Full Planning Permission	141 Rykneld Road, Littleover, Derby	Change of use of domestic garage to use for storage and distribution of pharmaceutical supplies (use class B8)	Granted Conditionally	24/04/2018
02/18/00251/PRI	Full Planning Permission	14 Rydal Close, Allestree, Derby	Single storey front extension to dwelling house (enlargement of hall and living room) installation of render and erection of a detached garage	Granted Conditionally	19/04/2018
02/18/00253/PRI	Full Planning Permission	313 Stockbrook Street, Derby	Single storey rear extension to pharmacy (office space)	Granted Conditionally	17/04/2018
02/18/00255/PRI	Works to Trees under TPO	Land at Northway Drive, Derby	Crown lift to 5 metres of two Ash trees protected by Tree Preservation Order no. 206	Refuse Planning Permission	30/04/2018



Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/18/00263/PRI	Full Planning Permission	21 Grafton Street, Derby	Single storey side extension to dwelling (two bedrooms and en-suite)	Granted Conditionally	18/04/2018
02/18/00264/PRI	Full Planning Permission	17 Scarsdale Avenue, Allestree, Derby	Roof alterations to include installation of two dormer windows to the front elevation to form rooms in the roof space	Granted Conditionally	30/04/2018
02/18/00268/PRI	Full Planning Permission	Firs Estate Primary School, Raven Street, Derby	Installation of a fire escape door	Granted Conditionally	18/04/2018
02/18/00270/PRI	Full Planning Permission	Surface Car Park, Liversage Street, Derby	Continued use as a car park for a temporary period of 1 year	Refuse Planning Permission	19/04/2018
02/18/00275/PRI	Full Planning Permission	8 Centre Court, Derby	Erection of a two metre high boundary fence	Granted Conditionally	19/04/2018
02/18/00276/PRI	Prior Approval - Householder	32 Darwin Road, Mickleover, Derby, DE3 5HU	Single storey rear extension (projecting beyond the rear wall of the original house by 4.3m, maximum height 3.7m, height to eaves 2.75m) to dwelling house	Prior Approval Not required	03/04/2018
02/18/00280/PRI	Variation/Waive of condition(s)	F C Precast Concrete Ltd, Alfreton Road, Derby	Erection of 6 light industrial units (Use Class B1) and 1 Trade Counter unit (Sui Generis use) together with alterations to vehicular access - variation of conditions 2 and 11 of previously approved planning permission Code No. DER/10/15/01309 to amend the approved plans and alter the terms of use of the trade counter	Granted Conditionally	19/04/2018
02/18/00288/PRI	Full Planning Permission	8 Ingleby Avenue, Derby	Single storey rear extension to dwelling house (study and lounge/dining area)	Granted Conditionally	19/04/2018
02/18/00289/PRI	Full Planning Permission	552 Kedleston Road, Derby	First floor rear and single storey side extensions to dwelling house (utility, kitchen, en-suite, dressing room and enlargement of bedroom)	Granted Conditionally	19/04/2018
02/18/00301/PRI	Works to Trees under TPO	Derby Independent Grammar School For Boys, Rykneld Road, Littleover, Derby (Tree adjacent to 39 Whittlebury Drive)	Felling of an Oak tree protected by Tree Preservation Order no 78	Refuse Planning Permission	20/04/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/18/00302/PRI	Reserved Matters	Land at side of 50 Buchan Street, Derby	Residential development (up to two dwellings) - approval of reserved matters of layout, scale, appearance, access and landscaping under outline permission Code No. DER/02/17/00164	Granted Conditionally	28/04/2018
02/18/00308/PRI	Full Planning Permission	Unit 1, Prime Industrial Estate, Shaftesbury Street, Derby	Change of use from storage unit with trade counter (use class B8) to a retail warehouse (use class A1)	Granted Conditionally	19/04/2018
03/18/00319/PRI	Prior Approval - Householder	100 Walbrook Road, Derby, DE23 8RY	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not required	09/04/2018
03/18/00326/PRI	Full Planning Permission	58 Statham Street, Derby	Single storey side and rear extensions to dwelling house (utility, w.c., and enlargement of kitchen) installation of a rear dormer and alterations to the front boundary wall	Granted Conditionally	28/04/2018
03/18/00328/PRI	Full Planning Permission	Wincanton House, Wincanton Close, Derby	Change of use from training school (use class D1) to offices (use class B1)	Granted Conditionally	30/04/2018
03/18/00334/PRI	Full Planning Permission	28 Nunsfield Drive, Alvaston, Derby	Two storey and single storey rear extensions to dwelling house (kitchen/dining room, bedroom and enlargement of bedroom)	Granted Conditionally	25/04/2018
03/18/00338/PRI	Certificate of Lawfulness Proposed Use	14 St. Nicholas Place, Derby	Single storey rear extension to dwelling house (enlargement of kitchen and dining room)	Granted	28/04/2018
03/18/00344/PRI	Works to Trees in a Conservation Area	146 Duffield Road, Derby	Felling of a Sycamore tree and a Ash tree within the Strutts Park Conservation Area	Raise No Objection	19/04/2018
03/18/00348/PRI	Full Planning Permission	44 Lord Street, Allenton, Derby	Single storey rear extension to dwelling house (kitchen/diner and bathroom)	Granted Conditionally	28/04/2018
03/18/00351/PRI	Full Planning Permission	21 Leslie Close, Littleover, Derby	Single storey front extensions to dwelling house (porch and bay window)	Granted Conditionally	28/04/2018
03/18/00354/PRI	Full Planning Permission	42 Devonshire Avenue, Allestree, Derby	Two storey and single storey side and rear extensions to dwelling house (utility and en-suite)	Granted Conditionally	28/04/2018

Application No.	Application Type	Location	Proposal	Decision	Decision Date
03/18/00355/PRI	Full Planning Permission	30 Elms Avenue, Littleover, Derby	Two storey side and single storey front and rear extensions to dwelling house (entrance area, store, utility room, kitchen/dining and play areas, bedroom, bathroom and enlargement of bedroom) and enlargement of the rear raised patio area	Granted Conditionally	27/04/2018
03/18/00362/PRI	Non-material amendment	226 Blagreaves Lane, Littleover, Derby	Single storey front, side and rear extensions to dwelling house (porch, bedroom with en-suite, wc, utility room and kitchen/dining area) - non-material amendment to previously approved permission DER/12/17/01588 to amend the roof design	Granted	03/04/2018
03/18/00364/PRI	Full Planning Permission	30 Kenilworth Avenue, Derby	Formation of a vehicular access	Granted Conditionally	30/04/2018
03/18/00370/PRI	Full Planning Permission	Kinnaird, 3 Penny Long Lane, Derby,	Extensions to dwelling house (porch, bedroom and en-suite)	Refuse Planning Permission	30/04/2018
03/18/00385/PRI	Non-material amendment	Meadfoot, 28 Parkfields Drive, Derby	First floor side and single storey rear extensions to dwelling house (living space and two bedrooms) - non-material amendment to previously approved planning permission DER/02/16/00134 to increase the depth of the single storey rear extension	Granted	06/04/2018
04/18/00507/PRI	Non-material amendment	Cavendish Close Infant School, Wood Road, Chaddesden, Derby	Demolition of school. Erection of replacement infant school (use class D1) - non-material amendment to previously approved planning permission DER/09/17/01211 to include an additional 1.8m high fence with gates to the southern boundary	Granted	24/04/2018